

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, July 12, 2011

PRESENT: Supervisors Frank Mecham, Bruce S. Gibson, Paul A. Teixeira, James R. Patterson and Chairperson Adam Hill

ABSENT: None

RESOLUTION NO. 2011-208

RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION AND
CONDITIONALLY APPROVING THE TOPAZ SOLAR FARM CONDITIONAL USE
PERMIT DRC2008-00009 AND VESTING TENTATIVE TRACT MAP SUB2010-00060

The following resolution is now offered and read:

WHEREAS, on May 12, 2011, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the Topaz Solar Farm Conditional Use Permit DRC2008-00009 and Vesting Tentative Tract Map SUB2010-00060 ("Topaz Solar Farm Project"); and

WHEREAS, Judy Stegman, Michael Strobridge, and the Center for Biological Diversity/Defenders of Wildlife/North County Watch/Carrizo Commons have appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 22 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on July 12, 2011, and determination and decision was made on July 12, 2011; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard with respect to any matter relating to said appeals; and

WHEREAS, the Board of Supervisors has duly considered the appeals and finds that the appeals should be denied and the decision of the Planning Commission should be affirmed subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the appeals filed by Judy Stegman, Michael Strobridge, and the Center for Biological Diversity/Defenders of Wildlife/North County Watch/Carrizo Commons are hereby denied and the decision of the Planning Commission to conditionally approve Topaz Solar Farm Conditional Use Permit DRC2008-00009 and Vesting Tentative Tract Map SUB2010-00060 and to certify the Final Environmental Impact Report for this project are hereby affirmed.
3. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibits 6a, 6b, and 6c attached hereto and incorporated by reference herein as set forth in full.

4. That the Final Environmental Impact Report for this project is hereby certified as complete and approved as having been prepared and completed in compliance with the California Environmental Quality Act and the State CEQA Guidelines.

5. That the Final Environmental Impact Report was presented to the Board of Supervisors and that the Board of Supervisors reviewed and considered the information contained in the Final Environmental Impact Report together with all comments received during the public review process prior to approving the Topaz Solar Farm Project.

6. That the Final Environmental Impact Report reflects the Board of Supervisors' independent judgment and analysis.

7. That the Topaz Solar Farm Conditional Use Permit DRC2008-00009 is hereby approved subject to the conditions of approval and applicant proposed measures set forth in Exhibits 5a and 5c attached hereto and incorporated by reference herein as though set forth in full.

8. That the Vesting Tentative Tract Map SUB2010-00060 (Tract Map 3032) is hereby approved subject to the conditions of approval set forth in Exhibit 5b attached hereto and incorporated by reference herein as though set forth in full.

9. That the Mitigation and Monitoring Plan set forth in Exhibit 7 attached hereto is hereby adopted and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor Patterson, seconded by Supervisor Gibson, and on the following roll call vote, to wit:

AYES: Supervisors Patterson, Gibson, Mecham, Teixeira, Chairperson Hill

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

Adam Hill
Chairman of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD

Clerk of the Board of Supervisors

By: Annette Ramirez
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN.
County Counsel

By: /s/ Whitney McDonald
Deputy County Counsel

Dated: June 28, 2011

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, JULIE L. RODEWALD, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors this 20th day of July, 2011.

JULIE L. RODEWALD,
County Clerk and Ex-Officio Clerk of the Board of
Supervisors

By: Annette Ramirez

Deputy Clerk


Board of Supervisors Findings for Conditional Use Permit, by adding a new finding to read, "G. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project area, as well as the immediate surrounding areas are zoned Agriculture and support a mixture of low intensity agricultural activities, and very sparsely scattered residential uses. Given the existing zoning, physical conditions (e.g. climate, water availability), and pattern of large lot parcels, these uses are not expected to significantly change or intensify in use. The project is an allowed use in the Agriculture land use category and has been conditioned to minimize impacts to surrounding uses. Upon completion, the project will not affect the use of any surrounding properties." Furthermore, the Board denies the three appeals by Judy Stegman, Michael Strobridge, and the Center for Biological Diversity/Defenders of Wildlife/North County Watch/Carrizo Commons; and RESOLUTION NO. 2011-208, a resolution affirming the decision of the Planning Commission and conditionally approving the Topaz Solar Farm Conditional Use Permit DRC2008-00009 and Vesting Tentative Tract Map SUB2010-00060, adopted as amended.

Filed 07/18/11 ar
cc: Planning (2)

STATE OF CALIFORNIA)
) ss.
County of San Luis Obispo)

I, JULIE L. RODEWALD, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS, my hand and the seal of said Board of Supervisors, affixed this 18th day of July, 2011.

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors
By: 
Deputy Clerk

BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, July 12, 2011

PRESENT: Supervisors: Frank Mecham, Bruce S. Gibson, Paul A. Teixeira, James R. Patterson, and Chairperson Adam Hill

ABSENT: None

In the matter of **RESOLUTION NO. 2011-208:**

Three appeals of the Planning Commission's approval of the Topaz Solar Farm Conditional Use Permit (DRC2008-00009), vesting tract map (SUB2010-00060) and certification of the Final Environment Impact Report; 5th District, is brought back to hearing.

Ms. Penny Borenstein - Health Officer, Mr. Chad Worth - Local Renewable Energy and Green Workforce Development, Mr. Mike Brown - Coalition of Labor, Agricultural and Business (COLAB), Mr. Lauren Brown (document), Mr. Fred Frank, Mr. Tom Murray, Mr. Eric Greening, Mr. Mike Strobbridge (documents and photographs), Ms. Jenny Strobbridge, Mr. Steve Ela, Mr. Bruce Severance, Mr. David Webb, Professor Richard Kranzdorf, Mr. Phil Ashley (documents and CD), Mr. Tim Strobbridge (handout) and Mr. Gregory McGee: speak.

Ms. Judy Stegman, Mr. Samuel Johnston - Attorney representing Mr. Michael Strobbridge (CD) and Ms. Susan Harvey - representing the Center of Biological Diversity/Defenders of Wildlife/North County Watch/Carrizo Commons, Appellants: provide closing statements.

Ms. Kathryn Arbeit - Project Development Director, representing First Solar, Applicant: provides closing statements.

Thereafter, on motion of Supervisor James R. Patterson, seconded by Supervisor Bruce S. Gibson, and on the following roll call vote:

AYES: Supervisors: James R. Patterson, Bruce S. Gibson, Frank Mecham, Paul A. Teixeira, Chairperson Adam Hill

NOES: None

ABSENT: None

the Board amends Exhibit 5a -Conditions of Approval for Conditional Use Permit DRC2008-00009 as follows: under Condition No. 9, by replacing the language to read, "a. The Applicant shall make all efforts to employ local hire (permanent residents within San Luis Obispo County), with adequate experience and qualifications, during construction and operations to the extent possible. To this end, the Applicant shall work with the local unions and local job fairs to promote available positions. Within 60 days of project approval, or such later time as approved by the County, the Applicant shall create and mail a flyer to local residents within 3 miles and post flyers in prominent areas within San Luis Obispo County such as quarter page ads in the newspaper or other media including California Valley properties, and nearby local communities describing the types of union and non-union jobs, as well as contact information on how to pursue employment of those jobs relating to construction of the project. The applicant shall also collaborate with the Business and Career One Stop Center of San Luis Obispo County to recruit from the unemployed clients they serve to the extent which is practical. b. The applicant shall submit quarterly hiring reports detailing the zip codes of residency for new hires within the previous quarter. If a new employee has recently moved to San Luis Obispo County, they should list their place of residence where they resided a majority of their time in the previous year. To this end, the Applicant shall work with all subcontractors to collect this information and submit it to the County quarterly. The zip code information shall be made public and published on the County website."; under Condition No. 43, Subsection k., by replacing "Food and Agriculture" with "Pesticide Regulation", and by replacing the language after "CDFG" to read "such as the use of rodenticides being prohibited."; under Condition No. 46, Subsection b., third sentence, by replacing "shall" with "should"; under Condition No. 102, by removing Subsection h.; under Condition No. 120, subsection a., by adding "for vehicles exceeding the 30 foot KPRA," between "Option 2" and "as"; and under Condition No. 132, Subsection a. ii., by adding No. 5 to read, "Information on cultural, historical, and natural environment of the Carrizo Plains." Additionally, the Board amends Exhibit 6a -

BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, July 12, 2011

PRESENT: Supervisors: Frank Mecham, Bruce S. Gibson, Paul A. Teixeira, James R. Patterson, and Chairperson Adam Hill

ABSENT: None

In the matter of a hearing to consider three appeals of the approval of the Topaz Solar Farm:

This is the time set for a hearing to consider three appeals of the Planning Commission's approval of the Topaz Solar Farm Conditional Use Permit (DRC2008-00009), vesting tract map (SUB2010-00060) and certification of the Final Environmental Impact Report; 5th District.

Mr. Steve McMasters - Planning and Building: presents two response letters and a memo summarizing revisions to the Conditions of Approval and Findings.

Mr. Timothy McNulty - Chief Deputy County Counsel: recommends the Board address any ex-parte communications they have had that would effect the outcome of today's proceedings, with Board members responding.

Ms. Judy Stegman, Mr. Samuel Johnston - Attorney representing Mr. Michael Strobbridge (CD) and Ms. Susan Harvey - representing the Center of Biological Diversity/Defenders of Wildlife/North County Watch/Carrizo Commons (photographs), Appellants: speak.

Ms. Kathryn Arbeit - Project Development Director and Mr. Wayne Hoffman - Environmental Permitting Director, representing First Solar, Applicant: provide a powerpoint presentation.

Chairperson Hill: opens the floor to public comment.

Mr. Kevin Hauber - SLO Green Build former President, Mr. Mike Gibson - Paso Robles Chambers of Commerce President and Chief Executive Officer (CEO), Mr. John Kammer, Mr. Carl Dudley, Ms. Leslie Halls - San Luis Obispo County Builder's Exchange Executive Director, Mr. Ken Haggard (document), Mr. Roger Emery, Dr. Gil Stork - Cuesta College Superintendent and President, Ms. Gina Whitaker, Ms. Jessica Riconscente - Cal Poly Renewable Energy Club President, Ms. Sandra Knapp, Mr. David Weisman - Alliance for Nuclear Responsibility, Mr. Patrick McGibney, Mr. Chuck Pritchard, Mr. Don Maruska, Mr. Ray Weymann, Mr. David Hafemeister (document), Ms. Lynne Levine and Mr. Charles Headington - San Luis Obispo County Joint Electrical Apprenticeship Training Committee, Work Investment Board and Youth Council member: speak.

Chairperson Hill: continues the hearing to the afternoon calendar.

Filed 07/18/11 ar
cc: Planning (2)

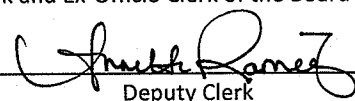
STATE OF CALIFORNIA)
) ss.
County of San Luis Obispo)

I, **JULIE L. RODEWALD**, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS, my hand and the seal of said Board of Supervisors, affixed this 18th day of July, 2011.

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: _____


Deputy Clerk

BOARD OF SUPERVISORS - EXHIBIT 5

Board of Supervisors - Conditions of Approval

5a: Conditions of Approval for Conditional Use Permit

5b: Conditions of Approval for Tract Map 3032

5c: Applicant Proposed Measures (from Final EIR)

EXHIBIT 5a –Conditions of Approval for Conditional Use

Permit DRC2008-00009

The following conditions are listed by category or issue area. Exhibit 7 includes the Mitigation Monitoring and Reporting Plan, which identifies when monitoring is required for environmental conditions, as well as which public agencies will be involved. The term 'Applicant' is currently referring to Topaz Solar Farms LLC, a wholly owned subsidiary of First Solar, Inc. However, 'Applicant' shall also refer to any successor in interest for the life of the project.

Approved Development

1. This approval authorizes development of a redesigned solar generation facility and related elements as follows:

- a. Solar Facility – Establish 550 MW solar power plant consisting of: approximately 460 solar PV arrays consisting of First Solar PV modules mounted on steel support structures and steel posts driven into the ground, electrical equipment (e.g., 460 Power Conversion Stations, each consisting of two inverters and a transformer), on-site underground and overhead array-connecting low voltage electrical lines (approximately up to 400 poles and 12 miles of overhead lines), on-site access roads, project substation, PG&E switching station, Solar Energy Learning Center (see condition 132), Operations & Maintenance Building (11,250 square feet), water well and water storage tank, leach field and septic system, security fencing, and related facilities.
- b. Interconnection to Transmission Grid –The Proposed Project substation would collect the output of the medium-voltage collection system and transform it from 34.5 kV up to 230 kV. It would occupy approximately 4.5 acres. The substation would be immediately adjacent to a new PG&E switching station. The Proposed Project would be interconnected with PG&E's transmission grid by looping the two circuits of the Morro Bay–Midway 230 kV line into a new PG&E 230 kV switching station.
- c. Temporary Facilities – There would be up to four separate construction staging areas of approximately 10 acres each, which would be fenced for security. The staging areas would include construction offices, a first aid station, worker parking, truck and shuttle loading and unloading areas, and laydown areas. Temporary portable toilet facilities and bottled water would serve the sanitary needs during the construction process. Water wells and storage ponds would be used to provide water for construction and dust control. There would also be up to four separate parking areas of approximately five acres each located adjacent to construction access roads. The parking areas would be located near Proposed Project entrances in order to minimize the distance construction employees and visitors have to drive within the Proposed Project site upon arrival. These temporary staging areas and parking areas would be located as needed to support construction efforts, and may be moved during the construction process. There would be no more than four construction staging areas and four parking areas at any given time. The staging and parking areas would be removed at the conclusion of the construction phase.
- d. Maximum Heights – Permanent building heights shall not exceed 30 feet and on-site electrical collection system poles shall not exceed 43 feet, except within one-half mile of the project substation, where the pole height shall not exceed 52 feet
- e. Applicant Proposed Measures – The full list of Applicant Proposed Measures (APMs) is provided in Exhibit 5c, and are considered a part of the project and shall be implemented. As some of these APMs have been replaced by modified or substituted measures that have been incorporated into specific Conditions of Approval, should any

of the APMs conflict with any Conditions of Approval, the Conditions of Approval shall apply and the APM shall be considered rejected.

- f. Signage – Maximum square footage for signs shall be 100 square feet. If signs are proposed, a sign plan shall be submitted to the County for review and approval.
- g. Phasing – The Project may be divided into up to six phases for construction, and each phase will receive separate construction permits. If a Condition herein states that it is required to be completed prior to issuance of construction permit, final inspection, or occupancy, it is only required prior to issuance of the construction permit, final inspection, or occupancy for the applicable phase of the Project.

The project description in the Final EIR (Sections B and E) provides greater detail that shall also be used to guide construction-level development.

- 2. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
- 3. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project unless the condition relates solely to pre- construction and construction activities and must be satisfied prior to obtaining a construction permit. These conditions will apply to decommissioning as required by the County. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.
- 4. Exterior operational activities of the solar facility that result in noise exceeding County maximum allowed exterior noise levels standards at the perimeter property boundaries are limited to: i. October 1 through May 31 - Monday through Friday 7:00 a.m. to 6:00 p.m. ii .June 1 through September 30 – Monday through Friday 5:00 a.m. to 9:00 p.m. All construction activities between 5 am and 7 am shall not result in noise exceeding 45 dBA at the perimeter property boundaries. iii. Saturday and Sunday 8:00 a.m. to 5:00 p.m., with the exception of limited construction, commissioning and maintenance activities that must occur after dark to ensure PV arrays are not energized, as well as interior use of the Operations & Maintenance building, unanticipated emergencies (including non-routine maintenance or repair) requiring immediate attention, or security patrols, which are allowed 24 hours a day. A written report shall be provided to the County summarizing each unanticipated emergency that creates noise at the property boundary that would be subject to this Condition within five (5) working days after its occurrence.

GENERAL

- 5. **Prior to issuance of a construction permit for a particular project phase**, the Applicant shall provide satisfactory evidence that a conveyance has been made or landowner consent has been documented for all properties involved with that phase of the DRC2008-00009 development, which clearly conveys that all of the Conditions of Approval shall run with the land for the life of the project.

6. The term of this land use permit will be from its effective date to the date that is 30 years from completion of construction of the solar generation facility.
7. Per LUO Section 22.64.050, where minor deviations of any of the Conditions of Approval are desired by the Applicant, such a request may be granted by the County.
8. **Within ten (10) days of approval of the Project** unless this time period is mutually extended by the County and the Applicant, the Applicant shall enter into an agreement with the County, executed by the Chair of the County Board of Supervisors, in a form approved by County Counsel, to provide for the defense and indemnity of the County for any claims, injury, liability, loss, costs, attorneys fees, expenses, or damages sought by third parties from the County alleged to have arisen directly or indirectly out of, or in any way associated with, any of the approvals, environmental review, or other actions taken in connection with the Project.
9. **Local Hire.**
 - a. The Applicant shall make all efforts to employ local hire (permanent residents within San Luis Obispo County), with adequate experience and qualifications, during construction and operations to the extent possible. To this end, the Applicant shall work with the local unions and local job fairs to promote available positions. Within 60 days of project approval, or such later time as approved by the County, the Applicant shall create and mail a flyer to local residents within 3 miles and post flyers in prominent areas within San Luis Obispo County such as quarter page ads in the newspaper or other media including California Valley properties, and nearby local communities describing the types of union and non-union jobs, as well as contact information on how to pursue employment of those jobs relating to construction of the project. The applicant shall also collaborate with the Business and Career One Stop Center of San Luis Obispo County to recruit from the unemployed clients they serve to the extent which is practical.
 - b. The applicant shall submit quarterly hiring reports detailing the zip codes of residency for new hires within the previous quarter. If a new employee has recently moved to San Luis Obispo County, they should list their place of residence where they resided a majority of their time in the previous year. To this end, the Applicant shall work with all subcontractors to collect this information and submit it to the County quarterly. The zip code information shall be made public and published on the County website.
10. **Prior to issuance of construction permits**, the final tract map for Tract 3032 shall be recorded.

Fencing

11. **Prior to occupancy or final inspection of each phase**, whichever comes first, install secure fencing, compatible with San Joaquin kit fox movement, around each of the solar arrays and substation, or as otherwise required by other Conditions of Approval, or as required to meet code requirements (e.g., electrical, building, etc.), as specified by the County Building Division. If exterior property line fencing, or other fencing not meant to secure the immediate area of any facility is proposed it shall be no higher than 48" and be wildlife friendly.

Prior to final inspection, compliance will be verified by the County Environmental Monitor.

Landscaping Native Vegetation

12. Any landscaping in accordance with an approved landscaping plan shall be installed or bonded for before final building inspection / establishment of the use. If bonded for, on-site landscaping shall be installed within 60 days after final building inspection. If installed or bonded for, the on-site landscaping shall thereafter be maintained in a viable condition until the project is decommissioned. Maintenance of off-site screening provided to residents under MM AE-2.3 shall be the responsibility of the property owner. All proposed landscaping shall be compatible with surrounding native vegetation and shall consist of using at least 80% native species. All proposed landscaping shall be compatible with surrounding native vegetation and shall consist of using at least 80% native species.

Prior to final inspection, compliance will be verified by the County Environmental Monitor.

Fees

13. **Within sixty (60) days of the effective date of this permit**, the Applicant shall enter into an agreement with the County, executed by the County Administrative Officer, in a form approved by County Counsel, governing the payment for the following items:
 - a. Applicable school fees;
 - b. Public facilities fees;
 - c. Housing impact fee (Section 22.12.080);
 - d. Public service impacts – In order to ensure economic benefits to the County and to ensure that anticipated public service impacts of the Project, including but not limited to, increasing County Fire staffing to serve the area, are adequately offset by the Project's sales and use tax revenues to be received by the County, the Applicant shall enter into an agreement with the County, executed by the Chair of the County Board of Supervisors, in a form approved by County Counsel, that includes, but is not limited to, the following terms:
 - i. The Applicant shall exert in good faith its best efforts to have all sales and use tax occur in the County, and use its best efforts to direct its Contractors to have sales and use tax occur in the County;
 - ii. The Applicant shall establish a business location and tax resale account, and take other reasonable steps, in an effort to maximize receipt of sales and use tax revenues for the County;
 - iii. The Applicant shall include in its master contract and any other contract for construction language ensuring that the County will receive the benefit of any sales or use tax generated by the Project to the fullest extent legally permitted;
 - iv. The Applicant shall state in all construction contracts that, pursuant to California Board of Equalization, Regulation 1806(b):

The jobsite is regarded as a place of business of a construction contractor or subcontractor and is the place of sale of "fixtures" furnished and installed by contractors or subcontractors. The place of use of "materials" is the jobsite. Accordingly, if the jobsite is in a county having a state-administered local tax, the sales tax applies to the sale of the fixtures, and the use tax applies to the

use of the materials unless purchased in a county having a state-administered local tax and not purchased under a resale certificate;

Based on returns filed with the State Board of Equalization, San Luis Obispo County will provide: (1) a quarterly list of contractors and subcontractors working on the job site and the amount of sales tax from each directed to unincorporated San Luis Obispo County; (2) an annual estimation of Proposition 172 revenue that can be reasonably associated with construction of the Project.

- v. The Applicant shall state the jobsite in all agreements related to the Project as California Valley, San Luis Obispo County, California;
 - vi. The Applicant, which may enter into a joint venture or other relationship with a contractor, supplier, or designer, shall either establish a buying company within San Luis Obispo County under the terms and conditions of Board of Equalization Regulation 1699(h), to take possession of any goods on which sales or use taxes are applicable but are not defined by Regulation 1806 and shall include in its Requests for Bid, procurement contracts, bid documents, and any other agreement whereby California Sales or Use Taxes may be incurred, that the sale occurs at that place of business within San Luis Obispo County; or, alternatively, any entity that may sell goods on which sales taxes are applicable may establish their own place of business within unincorporated San Luis Obispo County where delivery is ultimately made to the Applicant; principal negotiations for all such sales shall be carried on in San Luis Obispo County;
 - vii. The Applicant shall provide notice to all out-of-state suppliers of goods and equipment, no matter where originating, that San Luis Obispo County is the jurisdiction where the first functional use of the property is made.
 - viii. Applicant shall provide security in the form of a series of performance bond(s) or letter(s) of credit issued by a California bank, or a California branch office of a national bank doing business in California, and in a form approved by the County Counsel, in an amount totaling \$14 million in order to guarantee the County receipt of sales tax revenue from purchases and construction associated with the Project. The accepted form of credit support shall be provided **prior to issuance of a construction permit** for each Project phase, with a total of up to five phases. The amount of security may be reduced each quarter to reflect tax receipts documented as received by the County. The security must be maintained until such time as: (1) the County documents receipt of \$14 million in Project-related sales tax receipts; or (2) Applicant pays the County an amount equal to \$14 million minus documented sales tax receipts. In the event that the County determines, in its sole discretion, that changes in the law have occurred to substantially alter the manner in which tax revenues are allocated to the County, the parties may consider amending the agreement to account for those changes.
14. Decommissioning Fund – In order to adequately protect the County and its citizens in the event the Applicant, or its successors or assigns, cannot complete the expected thirty (30) year Project lifespan, cease ongoing business operations, or abandon the Project and/or the Property for whatever reason, the Applicant shall enter into an agreement with the County, executed by the Chair of the County Board of Supervisors, in a form approved by County Counsel, that provides for the establishment and maintenance of a nonwasting Decommissioning Fund, which shall provide sufficient financial assurances to fully restore the Property to pre-Project conditions. The Decommissioning Fund will consist of a series of performance bonds or letters of credit issued by California bank, or a California branch

office of a national bank doing business in California, **prior to construction permit issuance** for each of Project phase, with a total of up to six phases. The agreement shall allow the County to use the Decommissioning Fund to restore the Property to pre-Project conditions in the event that the Applicant, or its successors or assigns, do not properly decommission the Project or restore the Property to its original conditions within a reasonable time following the cessation of business operations or the abandonment of the Project or Property for whatever reason. The agreement shall provide that the amount of the Decommissioning Fund shall be calculated to fully implement decommissioning activities and a Final Closure Plan for the Project and the Property. At the sole discretion of the County Administrator, the agreement may or may not take into consideration the Applicant's Module Collection and Recycling Program in determining the adequacy of the Decommissioning Fund. Applicant shall pay reasonable costs for the County to retain a third party expert to review the decommissioning activities and Final Closure Plan and confirm the adequacy of the Decommissioning Fund. The Decommissioning Fund shall be adjusted for inflation (every three years) and for any updates to the Final Closure Plan. With regard to the inflationary adjustment, the agreement shall specify either a process or the most appropriate inflationary index(es) to capture the actual costs to perform the necessary decommissioning work. The agreement shall provide that, in the event that the Decommissioning Fund is inadequate to fully decommission the Project or restore the Property, the Applicant, its successors or assigns, shall be liable for any amount expended by the County over the Decommissioning Fund balance and shall provide for termination of the Decommissioning Fund upon the completion of implementation of the Final Closure Plan..

15. **MM BR-34.1 – Establish the “California Valley Land Acquisition Program”.** Prior to **issuance of a construction permit**, the Applicant shall enter into an agreement with the County, executed by the Chair of the County Board of Supervisors, in a form approved by County Counsel, providing funding for a program for purchase and consolidation of small lots within California Valley to eliminate their development potential and to promote permanent habitat connectivity therein. The agreement shall provide for the Applicant to work with the County to develop a lot acquisition and consolidation program, which would be reviewed and approved by the County within one year of issuance of construction permit. The agreement shall also include provisions assuring start-up funding for implementation of the program, in an amount of \$500,000, to acquire and consolidate small lots within antiquated subdivisions in California Valley. The overall purpose of the program is to secure permanent land preservation for long term conservation of endangered species.

Site Development

16. **At the time of application for construction permits**, plans submitted shall show all development necessary for the requested permit for the current phase of development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
17. **Prior to construction permit issuance**, the Preliminary Mitigation Monitoring and Reporting Plan (Exhibit 7) shall be updated and incorporated into the project development to ensure adherence to the applicable Conditions of Approval in this exhibit.
18. **At least 90 days prior to initiating any decommissioning activities**, the operator shall request a **Notice to Proceed** from the County Department of Planning and Building. Decommissioning activities shall not occur until the County issues the notice after first

reviewing and approving all related mitigation measures are being implemented or will be in place as specified in the conditions relating to the decommissioning process.

Services (for on-site water and septic)

19. **At the time of application for construction permits**, the Applicant shall submit evidence that there is adequate water to meet the water supply requirements of construction and operation activities that are expected to occur in the current phase of the Project.
20. **At the time of application for construction permits**, the Applicant shall submit evidence that a septic system, adequate to serve the needs of the applicable phase of the Project, can be installed on the site, that adhere to the following:
 - a. On-site wastewater system shall be in conformance with the County-approved Central Coast Regional Water Quality Control Board basin plan and County Building and Construction Ordinance, Title 19.
 - b. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
 - c. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve 5 or more parcels shall be separated by a minimum of two hundred (200) feet from septic systems and dry wells.

Other Agency Review

21. **Prior to issuance of a construction permit for each phase of construction**, the Applicant shall provide the County with Agency letters or other verification acceptable to the County that the following agencies have reviewed and approved within their respective jurisdictions, or been consulted with regarding, the portion of project plans applicable to their respective jurisdictions, with any agency requirements approved by the County, other than those required in these COA, shown on all applicable plans:
 - a. CalFire
 - b. County Health Department
 - c. County Air Pollution Control District
 - d. County Public Works
 - e. County Sheriff's Department
 - f. Kern County
 - g. Regional Water Quality Control Board
 - h. State Department of Fish and Game
 - i. Caltrans (District 5 & 6)
 - j. Federal Agencies (DOE, USFWS, Federal Aviation Administration (FAA), etc.)
22. **Prior to issuance of a construction permit**, as required by County Public Works, the following shall be submitted for their review and approved:
 - a. Executed County road use reimbursement agreement, as applicable;
 - b. Traffic Control and Management Plan;

- c. Installation of Public Improvement Standards, as determined appropriate.
 - d. All-weather access road improvement plans to habitable buildings shall be prepared in compliance with Cal Fire requirements for private access roads and submitted to the Department of Building and Planning for review and approval. The plans are to include, as applicable:
 - i. Street plan and profile to reconstruct, if necessary, all deteriorated or non-compliant road frontage improvements.
 - ii. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - e. During construction, the applicant shall be responsible for maintaining those sections of Pronghorn Plains Road (aka Tracy Lane) used by construction vehicles to access the project site. Upon completion of construction activities those sections of Pronghorn Plains Road shall be restored, if necessary, to a condition equal to or better than preconstruction conditions.
 - f. The applicant shall submit complete drainage calculations for review and approval in accordance with Sections 22.52.110 of the Land Use Ordinance.
 - g. The applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.090.
 - h. The applicant shall comply with Title 22.10.155 for Stormwater Management. The following information outlined in Title 22.10.155.G shall be submitted to the Department of Public Works for review and approval:
 - i. Stormwater Quality Plan for Priority Projects
 - ii. Conservation of natural areas narrative
 - iii. Stormwater pollutant of concerns narrative
 - iv. Drainage Plan
 - v. Erosion and Sedimentation Control Plan
 - vi. Mechanism in place for long-term maintenance of BMPs
 - vii. Calculations for treatment control BMPs
23. **As an on-going condition of approval (valid for the life of the project), as required by County Public Works:**
- a. The property owner shall be responsible for operation and maintenance of County road frontage, landscaping, fencing, illumination, and other amenities in a viable condition and on a continuing basis for the life of the project or until specifically accepted for maintenance by a public agency.
 - b. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance.

ENVIRONMENTAL CONDITIONS

Environmental Monitor

24. **MM EM-1** Prior to issuance of construction permits, the Applicant shall provide funding for the County of San Luis Obispo to retain an environmental monitor for all measures

requiring environmental mitigation to ensure compliance with County Conditions of Approval and EIR mitigation measures. The monitor shall assist the County in condition compliance and mitigation monitoring for all applicable construction, post-construction, and decommissioning of the project, as specified in a scope of work, and as approved by the County Department of Planning and Building.

The monitoring plan shall include a post-construction program to monitor construction measures that extend beyond the construction period (e.g., success of sedimentation and erosion control measures, etc.), as well as monitor certain mitigation measures required during the operational phase.

The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor, and any County administrative fees, shall be paid by the Applicant.

The Applicant shall also be responsible for funding work required by mitigation measures specifying use of individuals with special expertise (e.g., botanist, wildlife biologist) and for coordinating with resource agencies. The County's environmental monitor will coordinate with specialists to ensure their availability at appropriate times (prior to issuance of construction permits, or during construction, as required by individual mitigation measures presented in Sections C.2 through C.15). In addition, the County's environmental monitor shall coordinate and communicate with resource agencies (i.e., CDFG, USFWS, ACOE) regarding project-related requirements. The monitor may also be tasked with monitoring implementation of resource agency requirements if desired by the resource agencies and coordinated through the County.

Aesthetics

25. **MM AE-1.1 - Opaque Fencing of Laydown Area.** Prior to issuance of construction permits, the Applicant shall include opaque fencing on construction plans for any laydown areas within .50 miles of Highway 58, and submit to the County Department of Planning and Building for approval. The fencing shall include slatting or other opaque screening on the south fenceline, in a light, non-reflective, natural color to blend with the visual foreground. This fencing shall remain for as long as the laydown area is used for construction.
26. **MM AE-1.2 - Setback for Construction Parking Lots.** Prior to issuance of construction permits, the Applicant shall include 500-foot setbacks for temporary construction parking on construction plans and submit to the County Planning and Building Department for review and approval. During construction, temporary construction parking shall be set back from Highway 58 and any residences by at least 500 feet to minimize disturbance of the visual foreground of sensitive viewers.
27. **MM AE-1.3 - Minimize Construction Lighting.** Prior to issuance of construction permits, the Applicant shall show night lighting for construction and parking areas on construction plans and submit to the County Planning and Building for review and approval. Night lighting of construction and parking areas shall be minimized in both

brightness and extent to the maximum extent possible, and consistent with the safety needs of the facility. Where feasible, lights shall be automatically switched off after construction hours when not in use. Security lighting for construction storage areas shall be motion sensor controlled and all lighting shall be shielded, with all direct lighting limited to within the parking or construction area, and with no upwardly directed lighting.

28. **MM AE-2.1 - Maintain setbacks from public roads. Prior to issuance of construction permits**, the Applicant shall prepare and receive approval for construction plans that show PV arrays at a minimum distance of 500 feet from Highway 58. The distance shall be measured from the shoulder of the public right-of-way. Any security fencing shall be set back with a 500-foot minimum distance and shall be maintained for fencing wherever possible or as approved by the County.
29. **MM AE-2.2 - Install electric lines underground. Prior to issuance of construction permits**, the Applicant shall prepare and receive approval for construction plans that show the underground installation of the medium-voltage collector lines and poles that protrude above the PV arrays and within 3,000 feet of Highway 58. This measure is required to be consistent with County policy and reduce visual impacts. The Applicant shall submit this plan to the County Planning and Building Department for review and approval.
30. **MM AE-2.3 - Provide offsite screening for residences. Prior to issuance of construction permits**, the Applicant shall work with the County to develop a visual screening program that will fund the planting of trees or shrubs, construction of screening fencing, or other mutually acceptable provisions that will screen views of the project, including construction traffic, from occupied residences (as of the date of County approval of the project) that are within one mile of the project boundary and that decide to voluntarily participate in the program. The horizontal extent of screening shall be determined on a property-by-property basis, but to avoid the introduction of vertical elements in new locations, will be as close to the structure as practical (e.g., outer edge of defined front or back yards, etc.). The height of screening shall be sufficient to obstruct the view of the project as seen from two corners of the residential structure or another agreed upon point on the residential property that is within an identifiable outdoor activity area (e.g., edge of landscaped area, or permanent outbuilding, etc.).

Plants used in any vegetative screening shall be selected by the property owner from a County-approved list. Initial planting shall be done by the Applicant with subsequent care to be provided by the property owner. If another screening method is selected, the Applicant shall provide initial installation with subsequent maintenance to be completed by the property owner. As part of this program, the Applicant shall provide a report to the County showing details of all residents that voluntarily participate in the program and actions taken to address visual screening. The report shall be submitted to the County on a quarterly basis for the first year of operation and then on a yearly basis or other frequency as determined by the County.

At the time of application for construction permit for the first phase that is proposed within one mile of a residence, the Applicant shall submit the screening program for County review and approval.

31. **MM AE-2.4 - Prepare and implement exterior lighting plan. Prior to issuance of construction permits**, the Applicant shall receive approval for an exterior lighting plan for permanent facilities. The plan shall define the height, location, and intensity of all exterior lighting. All lighting fixtures shall be positioned 'down and into' the development, and shielded so that neither the lamp nor the related reflector interior surface is visible from surrounding properties and key viewing areas. All lighting poles, fixtures, and hoods shall

be dark colored. All exterior lighting, including parking areas, shall be of minimum brightness consistent with safety. Where feasible, lights shall be automatically switched off after construction hours when not in use. Security lighting for construction storage areas shall be motion sensor controlled and shall also be hooded and directed down and into the site, with no off-site light trespass. Lighting fixtures shall be directed away from the highway to avoid glare and, when near a residence, shall be pointed away from the residence. This requirement shall be specified in contracts with contractors and subcontractors that may require nighttime construction lighting. Lighting Plan shall focus on keeping the lumen/light intensity level to the lowest possible while still meeting minimum safety and security requirements. Unless determined necessary by the County for safety or security reasons. These measures shall be shown on applicable plans prior to issuance of construction permits and permanent lighting shall be installed prior to final inspection. The County Environmental Monitor shall verify compliance with this measure. This measure is required in addition to the lighting plans and specifications depicted in Figure Ap. 2-16 of the FEIR.

32. MM AE-2.5 Mitigate potential reflective glare. Prior to issuance of construction permits, the Applicant shall:

- a. Coordinate with the County Department of Planning and Building in consultation with the California Department of Transportation and the California Highway Patrol, on a process or format for documenting the Applicant's resolution of complaints regarding potential solar reflections from modules, and reporting the complaint resolution to the County. This consultation shall address the potential for solar reflections from the solar modules affecting nearby receptors and any location the County identifies as a concern. For the first year of operation, the plan shall include a process or format for documenting the Applicant's resolution of complaints, and reporting the compliant resolution to the County. After the first year of operation, the County shall determine the frequency of the reporting, but should at a minimum be conducted every year. To facilitate the reporting and resolution of complaints, a form shall be prepared and submitted to the County for approval as part of the plan.
- b. The Applicant shall also prepare a glare-screening plan depicting location and general design of the physical barrier and demonstrating how it will prevent solar reflections from affecting nearby receptors including public roads and nearby residences. The Applicant shall use a physical barrier, such as an earthen berm or slatted fence, to screen reflections of the sun from solar arrays in these locations where modules are on the east side of Highway 58 where the highway goes in a north/south direction. If slats are used in the fencing, then the slats shall be of a tan or dark color to blend with the natural surrounding ground surface. Fencing shall be located in proximity to the solar arrays in order to maximize setback distance to nearby receptors.

33. Exterior colors/design. Except as otherwise specified in these Conditions, exterior colors of all permanent structures visible from Highway 58 that are greater than eight feet in height shall be of a chroma and value of 6 or less as identified in the Munsell Book of Color. Color selection shall be from the following general color families: green, blue, brown. The gen-tie transmission towers shall be of a light gray anodized/dull metal finish. Earthtone colors, or other colors acceptable to the County that do not contrast with the solar arrays, shall be used for the portions of inverters and transformers visible (taller than 6 feet) from Highway 58. Design of the Operations and Maintenance building shall consider surrounding existing landforms (color, geometry) and integrate into final building

design, and provided to the County for review and approval **prior to construction permit issuance**. The County Environmental Monitor shall verify the use of these elements **prior to final inspection**.

AGRICULTURAL RESOURCES

34. **MM AG-1.1 – Construction Timing Plan. Prior to commencing construction and ground disturbing activities**, the Applicant shall submit a Construction Timing Plan that shows the work progression of construction activities. The intent of this measure is to document how construction activities will be carried out to minimize disruption to existing agricultural operations in the project area. Coordination with adjacent property owners shall be conducted to coordinate timing of construction activities and to document that communication of the anticipated construction schedule has been provided to surrounding property owners. The purpose of the communications with adjacent property owners will be to (1) schedule construction activities so as to minimize disruption to agricultural operations; and (2) ensure that any areas damaged or disturbed by construction are restored to a condition that closely approximates conditions prior to disturbance.
35. **MM AG-2.1 - Mitigate the loss of farmland through permanent preservation of farmlands. Prior to the issuance of grading permits**, the Applicant shall mitigate for the permanent loss of farmland on an acre-for-acre basis, and shall provide evidence to the County Department of Planning and Building that an open space easement or other conservation mechanism acceptable to the County has been granted in perpetuity to the County or a qualifying entity approved by the County. The easement shall provide acreage at a ratio of 1:1 for direct permanent loss of farmland based on final design and engineering (final project footprint).

A qualified entity, as determined acceptable by the County Department of Planning and Building, in consultation with the County Agriculture Department, must demonstrate that: (1) it has adopted the Land Trust Alliance's Standards and Practices; (2) it has substantial experience creating and stewarding open space easements; and (3) it has a stewardship endowment to help pay for its perpetual stewardship obligations, and (4) the endowment includes a provision for payment to the easement holder of its administrative cost for the management of the easement.

Based on the current project description and applying the above 1:1 ratio, the area conserved shall cover at least 3,500 acres, and shall be of a quality that is reasonably (as determined by the County Department of Planning and Building, in consultation with the County Agriculture Department) similar to that of the agricultural land within the solar generation facility site that is lost due to the Project. The area to be conserved shall be located within San Luis Obispo County within reasonable proximity, as defined by the County, to the project area. All agriculture mitigation lands (lands conserved under easement) must allow continuation of agricultural use(s) such as grazing.

Proposed mitigation lands can include a limitation of agricultural use that could result in an agricultural use that is less intense (e.g. grazing) than that currently occurring on the site (e.g. cropland). If a limitation is proposed the Applicant will only receive a one-third credit (e.g., three acres of mitigation land will satisfy one acre of required agricultural mitigation) for such mitigation lands. Any such agricultural mitigation lands can be "stacked" or used as lands acquired or protected for the compensation of permanent impacts to San Joaquin kit fox or other biological resources as long as grazing is maintained as an allowed use. Based on the current project description, lost agricultural land is estimated at 3,500 acres. If all mitigation land contains the limitation on agricultural use identified above, the Applicant would be required to provide 10,500 acres of mitigation land.

AIR QUALITY

36. **MM AQ-1.1 - Reduce Construction Vehicle Emissions (NOx, ROG, and DPM).** During all construction/ground disturbing activities and decommissioning, the Applicant shall implement the following methods to reduce emissions (NOx, ROG, and diesel particulate matter [DPM]) from construction equipment:
- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - b. Fuel all off-road and portable diesel powered equipment with CARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - c. Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines (e.g., Tier 3 and Tier 4, where feasible), and comply with the State Off-Road Regulation (CCR Title 13, Article 4.8, Chapter 9, Section 2449);
 - d. Use on-road heavy-duty trucks that meet CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
 - e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or NOx exempt area fleets) may be eligible by providing alternative compliance as approved by APCD;
 - f. Use construction equipment that have installed California Verified Diesel Emission Control Strategies (e.g., listed at: <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>);
 - g. All on and off-road diesel equipment shall not idle for more than 5 minutes, except as needed to perform a specified function (e.g., concrete mixing). Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
 - h. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
 - i. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - j. Electrify equipment when feasible (i.e., portable lighting);
 - k. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
 - l. Use alternatively fueled construction equipment onsite where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.
37. **MM AQ-1.2 - Develop Construction Activity Management Plan (CAMP).** Prior to issuance of permits and commencement of construction/ground disturbing activities and prior to decommissioning, the Applicant shall develop a Construction Activity Management Plan (CAMP) and submit it to the San Luis Obispo County APCD for APCD review and approval, at least three months before construction activities are to begin. This shall include verification by the County of APCD's approval **prior to construction permit issuance**. The CAMP shall include, but not be limited to, the following elements:
- a. A Dust Control Management Plan that encompasses all, but is not limited to, dust control measures defined in MM AQ-2.1;

- b. Tabulation of on- and off-road construction equipment (age, horsepower and miles and/or hours of operation);
- c. To the extent feasible, schedule construction truck trips during non-peak hours to reduce peak hour emissions;
- d. Limit the length of the construction work-day period, if necessary; and
- e. Phase construction activities, if appropriate.

Prior to the Notice to Proceed for decommissioning, the applicant will follow the above process for all decommissioning work.

38. MM AQ-1.3 - Reduce Fugitive Dust. Prior to issuance of construction permits and during construction/ground disturbing activities and decommissioning, the Proposed Project shall implement the following measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions:

- a. The amount of disturbed area shall be reduced where possible;
- b. Water trucks or sprinkler systems shall be used in quantities sufficient to prevent airborne dust from leaving the site. Watering frequency shall be increased whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
- c. All dirt stockpile areas shall be sprayed daily for dust suppression as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates more than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders (identified in Section 4.3 of the APCD's CEQA Air Quality Handbook), jute netting, or other methods approved in advance by the APCD;
- g. Paving for those roadways, driveways, sidewalks, etc., planned to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved (i.e., without asphalt) surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Wheel washers shall be installed where vehicles enter or exit unpaved roads from or onto streets, or trucks and equipment leaving the site shall be washed;
- k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent public paved roads. Water sweepers with reclaimed water shall be used where feasible;
- l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and

- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and prevent transport of dust offsite. Their duty hours shall include holidays and weekend periods when work may not be in progress. The names and telephone numbers of such persons shall be provided to the APCD Compliance Division **prior to the start of any grading, earthwork or demolition.**

In addition, the Applicant shall consult with the County Health Department to develop a Dust Management Plan that addresses management of dust to reduce the potential for exposure to Valley Fever. **Prior to issuance of permits**, the Applicant shall submit the Plan to the County Health Department for review and approval. The Plan shall include a program to evaluate the potential for exposure to Valley Fever from construction activities, and to identify appropriate dust management and safety procedures that shall be implemented, as needed, to minimize personnel and public exposure to potential Valley Fever-containing dust. Measures in the Plan, which shall be implemented as applicable, may include the following:

- n. Provide HEP-filtered air-conditioned enclosed cabs on heavy equipment. Train workers on proper use of cabs, such as turning on air conditioning prior to using the equipment.
- o. Provide communication methods, such as two-way radios, for use in enclosed cabs.
- p. Provide National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers.
- q. Require half-face respirators equipped with N-100 or P-100 filters to be used during digging. Require employees to wear respirators when working near earth-moving machinery.
- r. Cause employees to be medically evaluated, fit-tested, and properly trained on the use of the respirators, and implement a full respiratory protection program in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144).
- s. Provide separate, clean eating areas with hand-washing facilities.
- t. Thoroughly clean equipment, vehicles, and other items before they are moved offsite to other work locations.
- u. Train workers to recognize the symptoms of Valley Fever, and to promptly report suspected symptoms of work-related Valley Fever to a supervisor.
- v. Work with a medical professional to develop a protocol to medically evaluate employees who develop symptoms of Valley Fever.
- w. Work with a medical professional, in consultation with the County Health Department, to develop an educational handout for on-site workers and surrounding residents within three miles of the project site, and include the following information on Valley Fever: what are the potential sources/ causes, what are the common symptoms, what are the options or remedies available should someone be experiencing these symptoms, and where testing for exposure is available. **Prior to construction permit issuance**, this handout shall have been created by the Applicant and reviewed by the County. **No less than 30 days prior to any work commencing**, this handout shall be mailed to all existing residences within three miles of the project boundaries.

Prior to the Notice to Proceed for decommissioning, the applicant will follow the above process for all decommissioning work.

39. **MM AQ-1.4 - Provide Funding for Offsite Mitigation of Construction Equipment. Prior to construction permit issuance**, the Applicant shall develop and implement, or fund, a program for offsite mitigation of construction equipment that offsets the amount of emissions exceeding APCD's Tier II thresholds per quarter for ROG and NOx by reducing existing emission sources in the Carrizo Plain area and surrounding communities. The Applicant shall make all efforts to further reduce ROG/ NOx emissions to below Tier II levels. The Applicant shall initiate this program such that the emission reduction project(s) are in place **prior to commencing construction activities**. The Applicant shall accomplish this either by developing and implementing a program of reductions (e.g., installing diesel engine emission control systems) or by providing mitigation funding of \$16,400 per ton (over Tier II thresholds) plus a 15 percent administration fee to the APCD for emission-reducing projects identified by the APCD (e.g., through the Carl Moyer Program). The specific offsite mitigation strategies shall be primarily focused on NOx/ROG reductions. Specific strategies and actual funding levels shall be refined, based on final APCD-approved engineering and construction plans. The Applicant may develop supplemental emission offset activities acceptable to the APCD that may reduce the emissions calculation attributable to the Applicant. The Applicant shall provide the County with evidence of an APCD-approved strategy **prior to construction permit issuance** or evidence of complete funding **prior to final inspection**.
40. **MM AQ-2.1 - Prepare Operational Dust Control Plan. Prior to energization or final inspection for County construction permit, whichever occurs first**, the Applicant shall develop and implement an Operational Dust Control Plan. The plan shall address and include, where appropriate, each of the control strategies identified in construction Mitigation Measure AQ-1.3 (Reduce fugitive dust). An APCD-approved plan shall be submitted upon County construction permit application.
41. **MM AQ-2.2 - Provide Funding for Offsite Mitigation of Dust Control. Prior to construction permit issuance**, the Applicant shall develop and implement or fund a program for offsite mitigation of fugitive dust from existing sources in the Carrizo Plain area and surrounding communities. The Applicant shall initiate this program such that the emission reduction project(s) are in place **prior to commencing operation**. Specific strategies and actual funding levels shall be refined, based on final APCD-approved engineering and emission levels remaining after implementation of operational dust control plans. The Applicant shall provide the County with evidence of an APCD-approved strategy **prior to construction permit issuance** or evidence of complete funding **prior to final inspection**.

BIOLOGICAL RESOURCES

42. **MM BR-1.1 - Implement a Worker Training Program. Prior to issuance of a construction permit** a Worker Training Program (WTP) shall be submitted for County approval. **Prior to any site disturbance or other construction-related activities** on site (i.e., invasive, non-biological surveying; mobilization; fencing; grading; or construction), the approved WTP shall be implemented by Applicant. The County Environmental Monitor shall verify implementation and proper employee training. The WTP shall be implemented throughout the **duration of project construction**. The WTP, shall include, at a minimum, the following items:
 - a. Training materials and briefings shall include but not be limited to: a discussion of the Federal and State Endangered Species Acts, Bald and Golden Eagle Protection Act,

and the Migratory Bird Treaty Act; the consequences of non-compliance with these acts; identification and values of plant and wildlife species and significant natural plant community habitats; hazardous substance spill prevention and containment measures; a contact person and phone number in the event of the discovery of dead or injured wildlife; and a review of mitigation requirements.

- b. A discussion of measures to be implemented for avoidance of the sensitive resources discussed above and the identification of an onsite contact in the event of the discovery of sensitive species on the site. This will include a discussion on microtrash and its potential harmful effects on California condors.
 - c. Protocols to be followed when road kill is encountered in the work area or along access roads to minimize potential for additional mortality of scavengers, including listed species such as the California condor and the identification of an onsite representative to whom the road kill will be reported. Road kill shall be reported to the appropriate local animal control agency within 24 hours.
 - d. Maps showing the known locations of special-status wildlife, populations of rare plants and sensitive vegetative communities, seasonal depressions and known waterbodies, wetland habitat, exclusion areas, and other construction limitations (e.g. limited operating periods, etc.). These features shall be included on the project plans and specifications drawings.
 - e. Literature and photographs or illustrations of potentially occurring special-status plant and/or wildlife species will be provided to all project contractors and heavy equipment operators.
 - f. The Applicant shall provide to the County of San Luis Obispo evidence that all onsite construction and security personnel have completed the WTP **prior to the start of site mobilization**. A special hardhat sticker or wallet size card shall be issued to all personnel completing the training, which shall be carried with the trained personnel at all times while on the project site. All new personnel shall receive this training and may not work in the field without participating in the WTP. A log of all personnel who have completed the WTP training shall be kept onsite.
 - g. A weather protected bulletin board or binder shall be centrally placed or kept onsite (e.g., in the break room, construction foreman's vehicle, construction trailer, etc.) for the duration of the construction. This board or binder will provide key provisions of regulations or project conditions as they relate to biological resources or as they apply to grading activities. This information shall be easily accessible for personnel in all active work areas.
 - h. Develop a standalone version of the WTP, that covers all previously discussed items above, and that can be used as a reference for maintenance personnel **during project operations**.
43. **MM BR-1.2 - Implementation of Best Management Practices (BMPs)**. BMPs will be implemented as standard operating procedures during all ground disturbance and construction-related activities to avoid or minimize project impacts on biological resources. These BMPs will include but are not limited to the following:
- a. Compliance with BMPs will be documented and provided to the County in a written report on an annual basis. The report shall include a summary of the construction activities completed, a review of the sensitive plants and wildlife encountered, a list of

compliance actions and any remedial actions taken to correct the actions, and the status of ongoing mitigation efforts.

- b. **Prior to ground disturbance of any kind for each phase** the project work areas shall be clearly delineated by stakes, flags, or other clearly identifiable system.
- c. Vehicles and equipment shall be parked on designated staging or parking areas, pavement, existing roads, and previously disturbed areas to the extent practicable.
- d. Speed limit signs, imposing a speed limit of 15 miles per hour, will be installed throughout the project site **prior to initiation of site disturbance and/or construction**. To minimize disturbance of areas outside of the construction zone, all project-related vehicle traffic shall be restricted to established roads, construction areas, and other designated areas. These areas will be included in preconstruction surveys and to the extent possible, should be established in locations disturbed by previous activities to prevent further impacts. Off-road traffic outside of designated project areas will be prohibited.
- e. No vehicles or equipment shall be refueled within 100 feet of an ephemeral drainage or wetland unless a bermed and lined refueling area is constructed. Spill kits shall be maintained onsite in sufficient quantity to accommodate at least three complete vehicle tank failures of 50 gallons each. Any vehicles driven and/or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks of materials.
- f. All general trash, food-related trash items (e.g., wrappers, cans, bottles, food scraps, cigarettes, etc.) and other human-generated debris scheduled to be removed weekly will be stored in animal-proof containers and/or removed from the site each day. No deliberate feeding of wildlife will be allowed.
- g. Development on the Project site will maintain existing hydrologic patterns with respect to runoff supporting seasonal wetlands, vernal pools and ephemeral drainages.
- h. All pipes and culverts with a diameter of greater than 4 inches shall be capped or taped closed. Prior to capping or taping the pipe/culvert shall be inspected for the presence of wildlife. If encountered the wildlife shall be allowed to escape unimpeded.
- i. No firearms will be allowed on the project site, unless otherwise approved for security personnel.
- j. To prevent harassment or mortality of listed, special-status species and common wildlife, or destruction of their habitats no domesticated animals of any kind shall be permitted in any project area with the exception of those described in the approved grazing plan and dogs used for annual scat detection surveys for kit fox. The approved grazing plan may allow for sheep herding dogs to be onsite only when they are controlling and moving sheep from one project area to another. Dogs shall not be allowed within any project area outside of daylight hours or when they are not working under direct supervision of their handlers.
- k. Use of chemicals, fuels, lubricants, or biocides will be in compliance with all local, state and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Pesticide Regulation, and other state and federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS and CDFG such as the use of rodenticides being prohibited.

- l. Any contractor or employee that inadvertently kills or injures a special-status animal, or finds one either dead, injured, or entrapped, will immediately report the incident to the onsite representative identified in the WTP. The representative will contact the appropriate agency(ies) (e.g. USFWS, CDFG, and/or County) by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, formal notification shall be provided in writing within three working days of the incident or finding. Notification will include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured will be turned over immediately to CDFG or USFWS, as appropriate, for care, analysis, or disposition.
- m. During the site disturbance and/or construction phase, grading, construction, and decommissioning activities (unless as noted in "n" below) shall be restricted to the following hours:
 - i. October 1 through May 31 - Monday through Friday 7:00 a.m. to 6:00 p.m.
 - ii. June 1 through September 30 – Monday through Friday 5:00 a.m. to 9:00 p.m.
All construction activities between 5 am and 7 am shall not result in noise exceeding 45 dBA at the perimeter property boundaries.
 - iii. Saturday and Sunday 8:00 a.m. to 5:00 p.m. throughout the year.
- n. Final electrical connections, some emergency repairs, energization of each PCS and PVCS, and final energization of the switching station and substation may need to occur at night when PV modules are not producing electrical current. Any needed task lighting for construction or emergency repairs will be confined to the specific, active work location. Any shutdowns of the plant at array or PCS level may be done at night for worker safety. In addition, workers may need emergency night access to the site during construction and operations.
- o. Avoidance and minimization of vegetation removal within active construction areas. This will include flagging of sensitive vegetative communities or plants.
- p. Avoidance and minimization of construction activities resulting in impacts to jurisdictional wetlands, streambeds, and banks of any jurisdictional ephemeral drainage, except as authorized by regulatory agencies.
- q. All excavation, steep-walled holes or trenches in excess of 6 inches in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth dirt fill or wooden planks. Trenches will also be inspected for entrapped wildlife each morning prior to onset of construction activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they will be thoroughly inspected for entrapped wildlife. Any wildlife discovered will be allowed to escape before construction activities are allowed to resume, or removed from the trench or hole by a County-approved biologist holding the appropriate permits (if required).
- r. Project personnel will monitor all areas within 1/4 mile around the solar arrays on a regular basis (i.e., two times per week) for any dead animals, including wild animals or grazing animals such as cattle, goats, or sheep that are being used for vegetation management on the site. Any animals found dead will be removed immediately by appropriate personnel to avoid attracting condors to the vicinity of the arrays and as described in Mitigation Measure HZ-7.3.

- s. All light sources will be minimized, and lighting will be designed (e.g., using downcast lights) to limit the lighted area to the minimum necessary.

During construction, compliance will be verified by the County Environmental Monitor. The Applicant shall submit a written report to the County on an annual basis for review.

- 44. **MM BR-1.3 - Develop a Habitat Restoration and Revegetation Plan.** The Applicant shall restore disturbed areas to pre-construction conditions or better. **Prior to the issuance of a construction permit** and removal of any vegetation and/or wetland habitat, the Applicant shall retain a County-approved biologist(s), knowledgeable in the area(s) of annual grassland and wetland habitat restoration, to prepare a Habitat Restoration and Revegetation Plan (HRRP). Additionally, the Applicant shall retain an experienced pronghorn range manager, approved by the County, to assist the County qualified biologist in the preparation of this plan. The Applicant shall submit the HRRP to the County Planning and Building Department for approval (in consultation with CDFG and USFWS). This biologist will also be responsible for monitoring the implementation of the plan as well as the progress on achieving the established success criteria.

The purpose of the HRRP will be to explicitly identify the process by which all disturbed areas occupied by annual grassland habitat shall be restored to pre-construction conditions. The plan will address restoration and revegetation related to disturbance from construction. It will also address restoration and revegetation required after decommissioning of the project should this be required. The plan shall include, at a minimum, the following items:

- a. **Soil restoration plan.** A soil baseline study shall be conducted before ground-disturbing activities at the project site. The County may determine that the geotechnical survey conducted for the EIR would satisfy this requirement.

Where top soil removal will occur, the Plan shall include locations and details for top soil salvage and storage and shall identify areas within the construction footprint where topsoil:

- i. is present;
- ii. supports native vegetation;
- iii. and can be salvaged and stockpiled for replacement onto the site during revegetation activities.

Top soil on the project site shall be characterized based on (1) depth to impervious layer; (2) soil nutrient levels and chemistry; (3) soil texture and organic matter; and (4) water-holding capacity and permeability.

Areas of the project dominated by soils with a high sand component generally have little or no soil development (i.e., seed banks, microorganisms, or nutrient storage) and would contribute little to the revegetation effort. These sandy soils will not be salvaged for revegetation. Topsoil that is wholly dominated by invasive non-native species, such as Russian thistle or other noxious plant species, shall not be used in revegetation because the non-native seed bank would outweigh any benefit for revegetation the soil may have. Areas characterized as California annual grassland or wetland habitat will require topsoil salvage.

Where top soil removal occurs on the project site, the soil restoration plan shall require, at a minimum:

- iv. Between 3 and 12 inches of topsoil shall be salvaged from where it must be temporarily removed.
 - v. Topsoil shall not be mixed or stored with spoil material. The length of time topsoil is stored shall not exceed two years.
 - vi. For disturbed areas where topsoil was removed, redistribution shall begin immediately after re-grading, weather permitting, and depths shall vary between 3 and 12 inches depending on the depth of topsoil stripped.
 - vii. Redistribution of stockpiled topsoil shall be completed **prior to final inspection**.
 - viii. Replaced topsoil shall be left in a roughened condition where slopes and soil conditions dictate to discourage erosion. Additional erosion control and soil stabilization may be required on steeper slopes, on topsoil susceptible to wind erosion, etc.
 - ix. If compaction, rutting, or crushing occurs prior to seeding, the replaced topsoil shall be worked with a harrow, disc, spring, tooth, chisel plow, or similar implement. Fertilization shall not be utilized unless recommended by a County-approved restoration ecologist and approved by the California Department of Fish and Game (CDFG).
 - x. Where electrical cables are buried, trenching shall occur in the proposed aisles between module rows, and trenched areas shall be refilled as cables are buried and topsoil shall be replaced.
 - xi. After closure and decommissioning: (1) All structures and facilities shall be removed to a depth of 3 feet; (2) The areas where structures and facilities are removed shall be restored and contoured to match site conditions, as appropriate; and (3) As appropriate, highly-disturbed soils shall be supplemented with certified weed-free mulch.
- b. **Figures depicting areas proposed for temporary disturbance** – The HRRP shall include detailed figures indicating the locations and vegetation types of areas proposed for temporary disturbance. These figures shall be updated, as necessary, to reflect current site conditions should they change.
 - c. **Proposed species for restoration/revegetation** – The species palette proposed for restoration/revegetation shall include a combination of native and non-native, non-invasive, (based on current species composition in the restoration/revegetation areas) annual and perennial grasses and annual herbaceous species known to occur in the area. Due to the large non-native annual grass component currently present within most of project area (including wetland habitats) the intent of the Plan is to introduce as many native species as possible recognizing that the colonization of the site by non-native annual grasses is likely. In addition, on mitigation lands, enhanced lands and/or areas of disturbance slated for restoration for pronghorn antelope, a shrub component (not to exceed 30 percent cover) shall be included in the proposed restoration seed mix (i.e. *Atriplex* sp.), that will provide a food source for pronghorn for late season foraging.
 - d. **Seed source and collection guidelines** – Seeds shall first be collected from the stock of rare plants occurring on the Proposed Project site, during the appropriate collection period (late spring through the summer, depending on the species) and prior to disturbance from construction activities. Additional seed may be collected from stock within the Carrizo Plain (for those rare plants occurring within the boundaries of the

Proposed Project Site), or from within a 25 mile radius will be collected to maintain local genetic integrity. If seed collection from these areas is not possible then a seed source must be obtained from a local seed supplier familiar with native species. Seeds must be obtained from a local seed supplier familiar with native species. Seed will be limited to the species and quantity specified in the seed mix palette prepared for the project. As possible, all seed will originate from the project region, within +/- 1000 feet elevation of the project site. The seed supplier chosen will provide a list of three references with the bid proposal. The references will include year, contact names, and telephone numbers. Seeds will be tested for percent purity, percent germination, number of pure live seeds per pound, and weed seed content. Seed testing will be the responsibility of the seed supplier.

- e. **Planting methodology** – A description of the preferred methods proposed for seeding shall be provided (e.g., hydroseeding, drill seeding, broadcast seeding, etc.). Additionally, a discussion on timing of seeding, type of irrigation system proposed, potential need of irrigation, type and duration of irrigation, and erosion controls proposed for revegetation activities shall be included.
- f. **Invasive, non-native vegetation control** – A comprehensive Weed Control Plan will be developed for the project. The Weed Control Plan will serve to prevent the type conversion of natural habitats to those dominated by invasive species known to occur in the area such as Russian thistle.
- g. **Monitoring program** – Areas subject to restoration/revegetation shall be monitored to assess conditions and to make recommendations for successful habitat establishment. Monitoring will be performed by a County-approved biologist(s), knowledgeable in the area of annual grassland habitat restoration. Monitoring should include, at a minimum, the following:
 - i. **Qualitative monitoring** – Qualitative monitoring surveys will be performed monthly in all restored/revegetated areas for the first year following planting in any phase of the project. Qualitative monitoring will be on a quarterly schedule thereafter, until final completion approval of each restoration/area. Qualitative surveys will assess native plant species performance, including growth and survival, germination success, reproduction, plant fitness and health as well as pest or invasive plant problems. A County-approved wildlife biologist will assist in monitoring surveys and will actively search for mammal and other wildlife use.

Monitoring at this stage will indicate need for remediation or maintenance work well in advance of final success/failure determination. The monitoring reports will describe site progress and conditions and list all observations pertinent to eventual success, and make recommendations as appropriate regarding remedial work, maintenance, etc.
 - ii. **Quantitative monitoring** – Quantitative monitoring will occur annually for years one to five or until the success criteria are met.

Within each revegetation area the biologist will collect data in a representative series of one square meter quadrats, as specified in the monitoring plan, to estimate cover and density of each plant species within the revegetated areas. Data will be used to measure native species growth performance, to estimate native and non-native species coverage, seed mix germination, native species recruitment and reproduction, and species diversity. Additionally, within wetland habitat restoration areas, the biologist shall conduct sampling events to

document the presence of hydric soil characteristics/indicators (if present). Based on these results, the biologist will make recommendations for maintenance or remedial work on the site and for adjustments to the approved seed mix.

h. **Success criteria** – Criteria for successful restoration/revegetation of temporarily disturbed areas shall be as follows:

i. **California annual grassland habitat** – Restored annual grassland habitat shall exhibit 75% vegetative cover to account for natural processes such as burrowing animals including San Joaquin kit fox and other species that preclude or limit the establishment of vegetation. This percentage shall include no more than a 10% non-native component, with the exception of red-stemmed filaree and intentionally/or naturally seeded non-native grasses that occurred in the area **prior to site disturbance**.

ii. **Wetland habitat** – Restored wetland habitat shall demonstrate 75% vegetative cover over a 5- to 10-year period. This percentage shall include no more than a 10% non-native component, with the exception of red-stemmed filaree and intentionally/or naturally seeded non-native grasses that occurred in the area **prior to site disturbance**. The restored habitat shall exhibit the same functional values (retains the same ecological function) and display the same hydric soil characteristics/indicators (i.e. redoximorphic features, buried organic matter, organic streaking, reduced soil conditions, gleyed or low-chroma soils, or sulfidic odor) or show a trend toward meeting these conditions, as found **prior to disturbance**.

i. **Reporting** – Reporting will include progress reports summarizing site status and recommended remedial measures that will be submitted by the biologist to the County quarterly until successfully reestablished, with the exception of the site visits immediately preceding the development of each annual status report (see below). Each progress report will list estimated species coverage and diversity, species health and overall vigor, the establishment of volunteer native species, topographical/soils conditions, problem weed species, the use of the site by wildlife species, significant drought stress, and any recommended remedial measures deemed necessary to ensure compliance with specified performance criteria.

One annual site status report that summarizes site conditions will be forwarded by the biologist to the County, the U.S. Fish and Wildlife Service (USFWS) and the CDFG at the end of each year following implementation of this plan until the established success criteria have been met. Each annual report will list species coverage and diversity measured during yearly quantitative surveys, compliance/non-compliance with required performance standards, species health and overall vigor, the establishment of volunteer native species, hydrological and topographical conditions, the use of the site by wildlife species, and the presence of invasive weed species. In the event of substantial non-compliance with the required performance criteria, the reports will include remedial measures deemed necessary to optimize the potential for future compliance with specified performance criteria, or adaptive management recommendations to address each of the performance criteria. Each annual report will include, at the minimum:

i. The name, title, and company of all persons involved in restoration monitoring and report preparation

- ii. Maps or aerials showing restoration areas, transect locations, and photo documentation locations
 - iii. An explanation of the methods used to perform the work, including the number of acres treated for removal of non-native plants
 - iv. An assessment of the treatment success
 - j. **Final Closure Plan (Decommissioning)** – The HRRP shall also include a Final Closure Plan, which shall address the final infrastructure removal, restoration, and revegetation activities upon closure and decommissioning of the project. The primary intent of the Closure Plan will be to restore the project site back to its previous natural/grazing land condition, which shall include the removal of project elements as further described in the above subsection (a)(xi) of this Condition. The Final Closure Plan shall include a cost estimate, adjusted for inflation, reflecting the costs of restoration, revegetation, and monitoring for the duration of time expected to fully restore impacted soil and vegetation communities impacted by the project. At least one year **prior to planned closure and decommissioning** the Applicant shall submit to the County an updated Final Closure Plan for review to determine if revisions are needed. The Applicant shall incorporate all required revisions and re-submit the Final Closure Plan to the County 90 days **prior to the start of ground-disturbing activities** associated with closure and decommissioning activities.
45. **MM BR-1.4 - Compensation for permanent and temporary impacts to vegetative communities.** To compensate for permanent and temporary impacts to on-site vegetative communities, within the fenced areas of the Proposed Project, habitat (which may include preservation areas within portions of the project site not impacted by construction or mitigation lands outside of the main Project site) that contains the same quality of vegetative communities impacted by the project and that is not already public land shall be preserved and managed in perpetuity at the following ratios. Prior to the disturbance of vegetation within each phase, the Applicant shall obtain County approval of preserved and/or mitigation lands as well as documentation of a recorded open space easement. Permanent and temporary impacts to California annual grassland and cropland), shall be mitigated at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Land acquired/dedicated for impacts to California annual grassland must be with lands occupied by habitat of a similar type and quality. Those lands acquired/ dedicated for impacts to cropland must either be comprised of existing California annual grassland habitat or habitat of suitable soil quality to be seeded per the "Seed source and collection guidelines" and "Planting Methodology", described above under MM BR-1.3, to mimic the surrounding grassland vegetation.

These lands shall be located within the Carrizo Plain. An open space easement would need to be recorded on all property associated with the mitigation lands as to protect the existing plant and wildlife resources in perpetuity. An open space easement could be held by CDFG or an approved land management entity and shall be recorded immediately upon the dedication or acquisition of the land. Preserved or acquired mitigation lands will be monitored and maintained per the requirements set forth the Habitat Mitigation and Monitoring Plan prepared for the project, discussed below under MM BR-16.3.

Provided that the lands acquired or protected for the compensation of permanent impacts to San Joaquin kit fox and listed or rare plants (discussed below) contain the same/or better habitat as the impacted vegetative communities, the 1:1 ratio would be achieved through the acquisition of lands for those species (MM BR-16.2) and no further acquisition would be required for permanent impacts.

Habitat shall be preserved through the use of permanent open space easements or by the acquisition of fee title with the placement of an open space easement on such acquired lands. Mitigation lands cannot be located on land that is currently publicly held for resource protection. Mitigation lands may include (depending on the habitat requirements of particular species):

- a. Areas outside the project boundary, but within the Carrizo Plain;
- b. Preservation areas within portions of the project site that are at least 100 feet from solar facilities and are either (1) not permanently impacted by construction and operation of the project, or (2) are temporarily disturbed and then restored according to the requirements in Mitigation Measure BR-1.3 (Habitat Restoration and Revegetation Plan); and
- c. Degraded areas (e.g., areas that have been actively dry-farmed) that are restored to high quality habitat through the implementation of a County-approved restoration plan.

Criteria for appropriate mitigation land are species-specific; however, the following factors must be considered in assessing the quality of potential mitigation habitat: (1) Current land use; (2) Location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to solar facilities or other potential sources of disturbance); (3) Vegetation composition and structure; (4) Slope; (5) Soil composition and drainage; and (6) Level of occupancy or use by relevant species.

The Applicant shall either donate open space easements or provide funds for the acquisition of open space easements to a "qualified easement holder" (defined below). The California Department of Fish and Game (CDFG) and organizations approved by the CDFG that meet the criteria below are qualified easement holders. To qualify as a "qualified easement holder" a private land trust must have:

- d. Substantial experience managing open space easements that are created to meet mitigation requirements for impacts to special-status species;
- e. Adopted the Land Trust Alliance's Standards and Practices; and
- f. A stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed easement holder meets these requirements.

The Applicant shall also be responsible for providing to the qualified easement holder fees sufficient to cover: (1) Administrative costs incurred in the creation of the easement (appraisal, documenting baseline conditions, etc.) and (2) Funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the easement holder in consultation with the County.

Open space easement(s) shall also be subject to the following:

- g. The locations of acceptable open space easement(s) shall be developed with approval of CDFG and USFWS.
- h. The primary purpose of the open space easement(s) shall be conservation of impacted species and habitats; the said easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species.
- i. Be held in perpetuity by a qualified easement holder (defined above).

- j. Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Contain a succession clause for a qualified easement holder if the original holder is dissolved.
- k. Be subject to the management requirements outlined in Mitigation Measure BR-16.3 (Develop and implement a Habitat Mitigation and Monitoring Plan for mitigation lands).

Documentation of recorded open space easement(s) shall be submitted to and approved by the County **prior to the issuance of the construction permit for each phase**. Verification of having met habitat mitigation requirements shall be reviewed and approved by the County **prior to final inspection**.

46. **MM BR-2.1 - Prepare and implement a Weed Control Plan. Prior to the issuance of a construction permit or any ground disturbance** the Applicant shall retain a County-approved restoration ecologist or biologist to prepare a comprehensive adaptive Weed Control Plan (WCP) to be administered during the construction and operation of the project for the purpose of invasive weed abatement. The WCP shall be submitted to the County of San Luis Obispo for review and approval and shall be updated and utilized for eradication and **monitoring after construction**. The WCP shall include, but not be limited to, the following:

- a. Conduct a pre-construction survey for weeds in all areas proposed for ground-disturbing activity, including, but not limited to, solar module mounting, post installation and construction areas, assembly yards, access roads, and areas subject to grading for new or improved access roads. Weed populations that are rated high or moderate for negative ecological impact in the California Invasive Plant Inventory Database (Cal-IPC, 2006) and those determined by the County qualified restoration ecologist or biologist (i.e., silver horsenettle [*Solanum eleagnifolium*] and Russian thistle [*Salsola tragus*]) shall be mapped and described according to density and area covered. The County qualified restoration ecologist or biologist shall then rank the species to be targeted for removal as high-threat or low-threat, taking into consideration that some species identified may be a dominant component of the annual grassland present within the Project site and should not be targeted for removal. Weeding shall first target those identified as high-threat for eradication. The County qualified restoration ecologist or biologist shall review the list of low-threat species and determine whether eradication or management of the species is required. Areas identified to have weed infestations shall be treated prior to ground disturbance according to control methods detailed below and best management practices for invasive weed populations.
- b. Weed control treatments shall include, as appropriate, all legally permitted herbicide approved for application, and manual and mechanical methods of weed removal. The application of herbicides shall be in compliance with all state and federal laws and regulations under the prescription of a Pest Control Advisor (PCA), where concurrence has been provided by the County of San Luis Obispo, and implemented by a Licensed Qualified Applicator. Herbicides should not be applied during or within 72 hours of a scheduled rain event. Where manual and/or mechanical methods of weed removal are used, disposal of the plant debris will take place at an appropriate offsite location. The timing of the weed control treatment shall be determined for each plant species with the goal of controlling populations before they start producing seeds. Consultation with a County-approved wildlife biologist or botanist shall be required prior to weed control treatments with the intent of avoiding any adverse impacts to plants and wildlife in the area.

- c. From the time ground disturbance through operation of the project surveying for new invasive weed populations and the monitoring of identified and treated populations shall be required at all sites impacted by construction (array structures, staging areas, etc.), including access roads disturbed during the project. Surveying and monitoring for weed infestations shall occur annually. Treatment of all identified weed populations shall occur at a minimum of once annually. When no new seedlings or re-sprouts are observed at treated sites for three consecutive, normal rainfall years, the weed population can be considered eradicated and weed control efforts may cease for that impact site.

Weed control efforts shall be timed annually to reduce noxious weed seed production, by conducting activities when flowering has just started, but before seeds have been produced. All plant debris shall be disposed of at an approved location. Weed control efforts shall commence in early spring (February), as indicated annually by a County-approved restoration ecologist or biologist.

- d. During project preconstruction and construction, all seeds, straw, gravel, and fill materials shall be obtained from vendors able to certify that these materials are weed free. Any deviation from this will be approved by the County of San Luis Obispo. All plant materials used during restoration shall be native, certified weed-free, and approved by the County of San Luis Obispo.
- e. As an element of the Weed Control Plan, the Applicant shall retain a County-approved restoration ecologist or biologist to prepare a Vehicle Washing Plan. The Vehicle Washing Plan, as a part of the Weed Control Plan, shall be submitted to the County of San Luis Obispo for review and approval. The Vehicle Washing Plan shall include measures to ensure that all vehicles or equipment are clean and free of dirt and noxious weeds prior to entering the project area. The Vehicle Washing Plan may include, but is not limited to, the following elements:
- i. As necessary, during project preconstruction and construction, vehicles and all equipment shall be washed (including wheels, undercarriages, and bumpers) before entering the project area. Vehicles shall be cleaned at existing construction yards or legally operating car washes.
 - ii. In addition, tools, such as chainsaws, hand clippers, pruners, etc., shall be washed before and after entering all Project work areas.
 - iii. All washing shall take place where rinse water is collected and appropriately disposed (such as a sanitary sewer or landfill) unless otherwise, as approved by the County of San Luis Obispo.
 - iv. The Applicant shall ensure that trucks and equipment leaving the site are clean and shall not spread dirt on public roads;
 - v. A written daily log shall be kept to ensure only clean vehicles enter the project area. The log shall include information about all vehicle/equipment/tool washing that states the date, time, location, type of equipment washed, methods used, and staff present. The log shall include the signature of a responsible staff member. Logs shall be available to the County of San Luis Obispo for inspection at any time and shall be submitted to the County of San Luis Obispo on a monthly basis.

- f. During project operation and maintenance activities, clear and dispose of weeds in assembly yards, array footprints, access roads, staging areas, and any other disturbance areas in an approved method.

The above measures shall be implemented by the Applicant as specified in the WCP. The County environmental monitor shall ensure compliance with construction measures.

- 47. **MM BR-2.2 - Develop a Grazing Plan.** If managed livestock grazing is proposed for the Solar generation facility site then **prior to the issuance of a construction permit** the Applicant shall retain a County-approved restoration ecologist or biologist to prepare a Grazing Plan to be administered during the construction and operation of the project. The Grazing Plan shall be submitted to the County of San Luis Obispo for review and approval. The Grazing Plan shall include, but not be limited to, the following:

- a. Timing and duration of grazing depending on seasonal conditions (i.e., rainfall, temperature).
- b. Discussion on the pros and cons of grazing sheep and/or goats vs. cattle.
- c. Detailed measures to ensure the persistence of annual grassland habitat suitable for listed, rare or special-status plant species.
- d. Detailed maps of any additional interior fencing required for onsite grazing and a detailed plan for ensuring that any interior fencing does not have additional impacts on wildlife movement.
- e. Analysis of the effects of sheep or goat grazing on soil compaction or trampling on vegetation or the spread of invasive weed seed through hooves, scat or fur of livestock.
- f. Development of a monitoring plan that will facilitate the examination of the effects of grazing on surrounding wildlife and plant and wildlife biodiversity.
- g. Development of a plan for adaptive strategies to ensure that grazing is managed to benefit native wildlife and vegetation.
- h. Submittal of an annual report to the County on effectiveness of the Plan for the first five years of operation and afterwards as required by the County.

The Grazing Plan will be an adaptive management tool. Grazing management strategies will be evaluated over time. Modifications to the strategies used or to the techniques used to accomplish each strategy will be implemented based on results, experience, and the latest research. Alterations to the plan must be reviewed and approved by the County in consultation with CDFG before being implemented.

Prior to acquisition or implementation, should the land be proposed for limited grazing to complement reestablishment of sensitive biological resources, the County shall evaluate to determine to what extent, if any, the two can jointly qualify for protection of agricultural and sensitive biological lands.

- 48. **MM BR-4.1 - Implement protective dust control pond design, monitoring and management plan.** Prior to the issuance of a construction permit the Applicant shall design and implement a Dust Control Pond Design and Monitoring and Management Plan that meets the approval of the County, in consultation with the CDFG. The Dust Control Pond Plan shall include, at the minimum, the following:

- a. Discussion of the objectives of the Dust Control Pond Plan.

- b. Description of project design features such as side slope specifications, freeboard and depth requirements, covering (i.e., including the use of nets), and fencing to reduce access by wildlife.
- c. Details on the placement of the dust control pond as to reduce the potential of collision or electrocution of wildlife near the transmission and collector lines.
- d. Description of proposed avian, pond, and water quality monitoring and management actions, such as bird deterrence/hazing and water level management, including triggers for implementing those management actions and developing and implementing adaptive management strategies.
- e. Detailed reporting requirements.

Prior to the issuance of a construction permit, the County must approve the Dust Control Pond Plan, which will be done in consultation with the CDFG. No less than 30 days prior to operation of the dust control ponds, the project owner shall retain a County-approved biologist to inspect the protective structure for adequacy to effectively exclude wildlife from the dust control pond(s).

Implementation of the approved design shall be verified by the County **prior to final inspection** and may include measures such as the following:

Protective Measures for Dust Control Pond. To reduce potential impacts to wildlife, the perimeter of the pond, if used, shall be surrounded by a barrier fence designed to keep wildlife species out. The fence shall be tall enough (6 feet) to keep out large mammals and fine enough at the bottom, and buried at least 2 feet, to keep out amphibians, reptiles, birds, and small and medium sized mammals. If determined appropriate by the County and/or CDFG, the project Applicant shall cover the dust control ponds with 1.5-inch mesh netting designed to exclude birds and other wildlife from drinking or landing on the water of the ponds. The netted ponds, if required, shall be monitored on a regular basis for the life of the project to verify that the netting remains intact, is fulfilling its function in excluding birds and other wildlife from the ponds, and does not pose an entanglement threat to birds and other wildlife.

If required, the netting shall have visual deterrents attached at regular intervals to alert birds to the presence of netting. Without such deterrents, birds may only see the water surface and not the netting until they are close enough to become entangled. Visual deterrents on netting may be in the form of flashing or flagging. The netting, if required, shall be supported sufficiently (rigid frame or piers) so that the net does not sag into the water, making water and/or aquatic invertebrates available to birds. Submerged netting is known to provide a deposition site for invertebrate egg/pupae deposition, which would increase the avian exposure risk to elements like selenium, levels of which are magnified through the food chain ("biomagnification").

Monitoring. The monitoring shall at a minimum include the following:

- f. A County-approved biologist with experience in dust control pond monitoring for avian impacts shall regularly survey the ponds at least once per month starting with the first month of operation of the dust control ponds. The purpose of the surveys shall be to confirm that measures continue to be effective in excluding birds and other wildlife from the ponds. If nets are used, the surveys would determine if the nets pose an entrapment hazard to birds or wildlife, and would be used to develop and implement appropriate adaptive management strategies in consultation with CDFG and the USFWS. Operations staff at the project site shall also photograph, document, and

report finding any dead birds at the dust control ponds to the biologist within one day of discovering the carcass. The biologist shall report any bird or other wildlife deaths or entanglements within two days of discovering the carcass to the County, CDFG, and USFWS.

- g. If shorebirds (e.g., black-necked stilt, American avocet, plover, killdeer) are present at or near the dust control ponds during the nesting season (February 1 through July), the biologist shall conduct focused nest searches weekly for the duration of shorebird presence during the nesting season. If nesting is detected, which means the birds are feeding in the dust control pond, eggs shall be collected and an egg selenium and morphological (evaluation for teratogenic effects) analysis conducted by an appropriately permitted, County-approved biologist. Egg collection procedures and study design shall be developed in advance with CDFG and USFWS Contaminants Division.
 - h. If dead or entangled birds are detected, the biologist shall take immediate action to correct the source of mortality or entanglement, as possible. The biologist shall make efforts to contact and consult the CDFG and USFWS prior to taking remedial action, but the inability to reach these parties shall not delay taking action that would, in the judgment of the biologist, prevent further mortality of birds or other wildlife at the dust control ponds.
 - i. Designated biologist shall test levels of potential toxins in dust control ponds. High levels of potential toxins shall be reported to CDFG.
 - j. If after 12 consecutive monthly site visits no bird or wildlife deaths, deformities, or entanglements or high levels of toxins are detected by or reported to the designated biologist, monitoring can be reduced to quarterly visits, at least one of which shall coincide with the nesting season.
 - k. If after 12 consecutive quarterly site visits no bird or wildlife deaths, deformities, or entanglements or high levels of toxins are detected by or reported to the designated biologist, the site visits can be reduced to annual visits during the peak nesting season (March through May).
 - l. The biologist shall review construction of enclosures, as well as submit annual monitoring reports to the County, CDFG, and USFWS describing the dates, durations, and results of site visits conducted at the dust control ponds. The annual reports shall fully describe any bird or wildlife death, deformities, nesting events, or entanglements detected during the site visits or noted at any other time, and shall describe actions taken to remedy these problems. Results of any egg analysis (morphological and chemical) shall also be included. The report shall be submitted to the County, CDFG, and USFWS no later than December 30th of every year for the life of the project.
 - m. Remedial actions shall be taken as soon as possible (as determined by the County, CDFG, and USFWS), and no later than the beginning of the following nesting season.
49. **MM BR-4.2 - Implement biological construction monitoring.** Prior to the commencement of ground disturbance or site mobilization activities the Applicant shall retain a County-approved biologist(s) with demonstrated expertise with listed and/or special-status plants, terrestrial mammals and reptiles to monitor(s), on a daily basis, during all construction activities. The County-approved biologist(s) shall be present at all times during ground-disturbing activities immediately adjacent to, or within, habitat that supports populations of the listed or special-status species identified within the project boundaries. Any listed or special-status plants shall be flagged for avoidance. Any special-

status terrestrial species found within a project impact area shall be relocated by the authorized biologist and relocated to suitable habitat outside the impact area. If the installation of exclusion fencing is deemed necessary by the authorized biologist, the authorized biologist shall direct the installation of the fence. Clearance surveys for special-status species shall be conducted by the authorized biologist prior to the initiation of construction each day.

If, during construction, the biological monitor observes a dead or injured listed or special-status wildlife species on the construction site, a written report shall be sent to the appropriate agencies (e.g. the County of San Luis Obispo, CDFG and/or USFWS) within five calendar days. The report will include the date, time of the finding or incident (if known), and location of the carcass and circumstances of its death (if known). The biological monitor shall, immediately upon finding the remains, coordinate with the onsite construction foreman to discuss the events that caused the mortality, if known, and implement measures to prevent future incidents. Details of these measures shall be included with the report. If possible, species remains shall be collected and frozen as soon as possible, and CDFG and/or USFWS shall be contacted regarding ultimate disposal of the remains.

During construction, compliance will be verified by the County Environmental Monitor.

50. **MM BR-6.1 - Conduct pre-construction surveys for nesting and breeding birds and implementation of avoidance measures.** Prior to any site disturbance within the recognized breeding season for nesting birds (i.e., mobilization, staging, grading or construction), the Applicant shall retain a County-approved biologist to conduct pre-construction surveys for those nesting birds in all areas within 500 feet of solar arrays, staging areas, substation sites, and access road locations. Surveys for raptors shall be conducted for all areas from February 1 to August 15. The required survey dates may be modified based on local conditions, as determined by the County-approved biologist, with the approval of the County of San Luis Obispo, in consultation with the USFWS and/or CDFG. Measures intended to exclude nesting birds shall not be implemented without prior approval by the County in consultation with USFWS and/or CDFG and shall not exceed County noise standards.

If breeding birds with active nests are found **prior to or during construction**, a biological monitor shall establish a 300-foot buffer around the nest for ground nesting species and a 500 foot buffer for raptors from ground-based construction activities and no activities will be allowed within the buffer(s) until the young have fledged from the nest or the nest fails.

If nesting bald or golden eagles are identified, a 0.5-mile no-activity buffer will be implemented. Should condors be found roosting within 0.5 miles of the construction area, no construction activity shall occur between 1 hour before sunset to 1 hour after sunrise, or until the condors leave the area. Should condors be found nesting within 1.5 miles of the construction area, no construction activity will occur until further authorization from the USFWS. All California condor sightings in the project area will be reported directly to the USFWS by the County-approved biologist.

The prescribed buffers may be adjusted to reflect existing conditions including ambient noise, topography, and disturbance with the approval of the County of San Luis Obispo, CDFG and USFWS as appropriate. The biological monitor(s) shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The biological monitor(s) shall be responsible for documenting the results of the surveys and

ongoing monitoring and will provide a copy of the monitoring reports for impact areas to the respective agencies.

If for any reason an active bird nest must be removed during the nesting season, the Applicant shall provide written documentation providing concurrence from the USFWS and CDFG authorizing the nest relocation. Additionally, the Applicant shall provide a written report documenting the relocation efforts. The report shall include what actions were taken to avoid moving the nest, the location of the nest, what species is being relocated, the number and condition of the eggs taken from the nest, the location of where the eggs are incubated, the survival rate, the location of the nests where the chicks are relocated, and whether the birds were accepted by the adopted parent.

Surveys shall be conducted to include all structural components of the incomplete solar arrays requiring further construction and related structures as well as all construction equipment. If birds are found to be nesting in facility structures, buffers as described above shall be implemented. If birds are found to be nesting in construction equipment, that equipment shall not be used until the young have fledged the nest or, if no young are present, until after the breeding season has passed.

If trees or existing poles/towers with raptor nests are to be removed as part of project-related construction activities they will be done so outside of the nesting season to avoid additional impacts to nesting raptors. If removal of a tree or existing pole/tower with a nest cannot be avoided during the nesting season then the biological monitor must confirm that the nest is vacant prior to its removal. If nests are found within these structures and contain eggs or young the biological monitor shall allow no activities within a 300-foot buffer for nesting birds and/or a 500-foot buffer for raptors (excluding golden eagle and condors, see above) until the young have fledged the nest.

During construction, compliance will be verified by the County Environmental Monitor, that would include conducting routine checks of nests during the known breeding season and, if young are present, monitor until young have fledged.

51. **MM BR-7.1 - Conduct pre-construction surveys for State and Federally Threatened, Endangered, Proposed, Petitioned, and Candidate plants and implementation of avoidance measures.** Prior to initial ground disturbance for any grassland (areas not cropped for two years) areas not disturbed prior to Spring 2013 and for undisturbed areas in subsequent construction years, the Applicant shall conduct pre-construction surveys for State and federally listed Threatened and Endangered, Proposed, Petitioned, and Candidate plants in all grassland areas subject to ground-disturbing activity, including, but not limited to, solar panel footing preparation and construction areas, assembly yards, and areas subject to grading for new access roads. The surveys shall be conducted during the appropriate blooming period(s) by a County-approved plant ecologist/according to protocols established by the USFWS, CDFG, and California Native Plant Society (CNPS). All listed plant species found shall be marked and avoided. Any populations of special-status plants found during surveys will be fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared.

These surveys must be accomplished within 24 months of construction and during a year in which rainfall totals are at least 80% of average and in which the temporal distribution of rainfall is not highly abnormal (e.g., with the vast majority of rainfall occurring very early or late in the season) to be reasonably certain of the presence/absence of rare plant species, unless surveys of reference populations document that precipitation conditions would not have adversely affected the ability to detect the species. In the event of prolonged drought conditions, and if the Applicant has conducted annual surveys (beginning in

Spring 2012 and in accordance with the protocols noted above), the County can adjust the precipitation conditions requirement and consider the results of all prior surveys in determining necessary avoidance areas.

Prior to site grading or vegetation removal, any populations of listed plant species identified during the surveys within the project limits and beyond, shall be protected and a buffer zone placed around each population. The buffer zone shall be established around these areas and shall be of sufficient size to eliminate potential disturbance to the plants from human activity and any other potential sources of disturbance including human trampling, erosion, and dust. The size of the buffer depends upon the proposed use of the immediately adjacent lands, and includes consideration of the plant's ecological requirements (e.g., sunlight, moisture, shade tolerance, physical and chemical characteristics of soils) that are identified by a County-approved plant ecologist and/or botanist. The buffer for herbaceous and shrub species shall be, at minimum, 50 feet from the perimeter of the population or the individual. A smaller buffer may be established, provided there are adequate measures in place to avoid the take of the species, with the approval of the USFWS, CDFG, and County of San Luis Obispo.

Where impacts to listed plants are determined to be unavoidable, the USFWS and/or CDFG shall be consulted for authorization. Additional mitigation measures to protect or restore listed plant species or their habitat, including but not limited to a salvage plan including seed collection and replanting, may be required by the USFWS or CDFG before impacts are authorized, whichever is appropriate.

During construction, compliance will be verified by the County Environmental Monitor, that would include documenting when yearly survey events occur, review the resulting data and update the WTP if impacts to species not previously addressed are anticipated, as well as ensure any protective fencing installed is kept in good working order.

52. **MM BR-7.2 - Compensate for impacts to State and Federally Threatened, Endangered, Proposed, Petitioned, and Candidate plants.** If any State and Federally Threatened, Endangered, Proposed, Petitioned and Candidate plants, are documented through required surveys or incidental observations at the Proposed Project during the construction period, the Applicant shall compensate for permanent impacts through preservation of habitat (which may include preservation areas within the undisturbed areas of the project footprint, mitigation lands outside of the main Project site or a combination of both) that is not already public land under resource protection shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (One acre preserved for each acre impacted). Prior to the disturbance of habitat for or take of listed plant species the Applicant will be required to obtain County approval of preserved and/or mitigation lands as well as provide documentation of a recorded open space easement(s). Compensation for temporary impacts shall include land acquisition and/or preservation at a 0.5:1 ratio. The preserved habitat for a significantly impacted plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, vegetation structure, and will contain verified extant populations, of the same size or greater, of the State or Federally listed plants that are impacted.

Habitat shall be preserved through the use of permanent open space easements. Mitigation lands cannot be located on land that is currently held publicly for resource protection. Mitigation lands may include (depending on the habitat requirements of particular species):

- a. Areas outside the project boundary, but within the Carrizo Plain;

- b. Preservation areas within portions of the project site that are at least 100 feet from solar facilities and are either (1) not permanently impacted by construction and operation of the project, or (2) temporarily disturbed and then restored according to the requirements in Mitigation Measure BR-1.3; and
- c. Degraded areas (e.g., areas that have been actively dry-farmed) that are restored to high quality habitat through the implementation of a County-approved restoration plan.

Criteria for appropriate mitigation land are species-specific; the following factors must be considered in assessing the quality of potential mitigation habitat: (1) Current land use; (2) Location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to solar facilities or other potential sources of disturbance); (3) Vegetation composition and structure; (4) Slope; (5) Soil composition and drainage; and (6) Level of occupancy or use by relevant species.

The Applicant shall either provide open space easements or provide funds for the acquisition of such easements to a "qualified easement holder" (defined below). The California Department of Fish and Game (CDFG) and organizations approved by CDFG that meet the criteria below are qualified easement holders. To qualify as a "qualified easement holder" a private land trust must have:

- d. Substantial experience managing open space easements that are created to meet mitigation requirements for impacts to special-status species;
- e. Adopted the Land Trust Alliance's Standards and Practices; and
- f. A stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed easement holder meets these requirements.

The Applicant shall also be responsible for donating to the open space easement holder fees sufficient to cover: (1) Administrative costs incurred in the creation of the open space easement (appraisal, documenting baseline conditions, etc.) and (2) Funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the open space easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the open space easement holder in consultation with the County.

Open space easement(s) shall also be subject to the following conditions:

- g. The locations of acceptable easement(s) shall be developed with approval of CDFG and USFWS.
- h. The primary purpose of the easement(s) shall be conservation of impacted species and habitats, but the open space easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species.

Open space easement(s) shall:

- i. Be held in perpetuity by a qualified easement holder (defined above).
- j. Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Contain a succession clause for a qualified easement holder if the original holder is dissolved.
- k. Be subject to the management requirements outlined in Mitigation Measure BR-16.3 (Develop and implement a Habitat Mitigation and Monitoring Plan for mitigation lands).

If lands acquired or protected for the compensation of permanent impacts to San Joaquin kit fox and/or vegetative communities (Mitigation Measure BR-1.4) contain similar sized populations of the impacted listed plant species, no further mitigation would be required.

Prior to construction permit issuance, the Applicant shall obtain County approval of the location of mitigation lands, the holder of open space easements, and the restrictions contained in the easement(s) created for the permanent protection of these lands. Documentation of recorded easement(s) shall be submitted to and approved by the County **prior to construction permit issuance**. Verification of having met habitat mitigation requirements shall be reviewed and approved **prior to final inspection**. If this milestone is not met, construction shall not commence.

53. **MM BR-8.1 - Complete protocol-level surveys for listed fairy shrimp.** Protocol surveys for the Federally Endangered longhorn fairy shrimp and the Federally Threatened vernal pool fairy shrimp shall be conducted each year of construction in areas subject to project disturbance where previous surveys have not been conducted and where pools form and persist for a minimum of seven days and that overlay soils associated with vernal pool complexes. Surveys can be suspended upon written authorization from the USFWS/CDFG and the County. The Applicant shall retain a County-approved biologist holding the required 10(a)(1)(A) recovery permit from the USFWS to conduct surveys if necessary. Surveys shall follow the guidelines set forth by the USFWS in the Interim Survey Guidelines to Permittees for Recovery Permits under Section 10(a)(1)(A) of the Endangered Species Act (ESA) for Listed Vernal Pool Branchiopods.

Surveys will be conducted during the wet and dry seasons of the year for the duration of construction activities. The results of these surveys shall be provided to the County Environmental Monitor **within 90 days of completion**.

54. **MM BR-8.2 - Avoid known listed fairy shrimp locations.** All pools within the Proposed Project that were identified by the Applicant in 2010 as occupied by listed vernal pool branchiopods, or which were specifically identified on BR Map 10 in the "Final Biological Report for the Topaz Solar Farm" (refer to Appendix 9A) as potential habitat for vernal pool branchiopods, known seasonal/ephemeral depressions, vernal pools and known water bodies (refer to Appendix 9A) that have been verified or have the potential to be occupied by listed fairy shrimp shall be shown on all applicable construction plans and submitted with the construction permit application. Project design shall avoid these pools, and a 250-foot buffer shall be maintained throughout all construction phases of the Proposed Project to minimize the potential for impacts to listed vernal pool branchiopods. If protocol-level surveys determine pools labeled as potential habitat do not contain listed vernal pool branchiopods, the 250-foot buffer can be reduced to the based on the specific type of pool (e.g. vernal pools would have a 50-foot setback if no listed species are present while ephemeral wetland depressions would have 25-foot setbacks). The Applicant shall avoid all seasonal/ephemeral depressions, vernal pools and known waterbodies previously identified as listed fairy shrimp habitat identified in surveys conducted under MM BR-8.1 that occur within the project site to minimize impacts to listed fairy shrimp. A 100-foot buffer shall be placed around all such seasonal/ephemeral depressions, vernal pools and known waterbodies that have the potential to but do not presently support listed fairy shrimp, to prevent equipment from entering these areas. If, after conducting surveys according to the methods described above under MM BR-8.1, areas identified as potential habitat have been verified to not contain listed fairy shrimp, the 100-foot buffer can be removed. All vernal pools, seasonal depressions and known waterbodies containing documented populations of listed fairy shrimp shall require a 250-foot buffer. These buffers shall be shown on all applicable construction plans (with a highly visible method easily

identifiable by construction workers in the field). On-site delineation of this buffer shall be in place **prior to the commencement of construction activities**. The method used for delineation shall be kept in good working order for the duration of the construction period, and removed **prior to final County inspection**.

If a 250-foot buffer is not feasible or avoidance of known populations of listed branchiopods is not possible, consultation with the USFWS regarding the potential impacts to the species will be necessary.

55. **MM BR-8.3 - Compensate for impacts to vernal pool or longhorn fairy shrimp or their habitat.** If project impacts will result in impacts to occupied habitat for, or result in the loss of, vernal pool or longhorn fairy shrimp the Applicant will be required to consult with the USFWS. To compensate for impacts, the USFWS will require both a preservation and creation component for compensation as follows:

Preservation component – For every acre of occupied habitat directly or indirectly affected, at least two vernal pool credits will be dedicated within a Service-approved ecosystem preservation bank, or, based on Service evaluation of site-specific conservation values, three acres of vernal pool habitat may be preserved on the project site or on another non-bank site as approved by the USFWS.

Creation component – For every acre of occupied habitat directly affected, at least one vernal pool creation credit will be dedicated within a Service-approved habitat mitigation bank, or, based on Service evaluation of site-specific conservation values, two acres of vernal pool habitat will be created and monitored on the project site or on another non-bank site as approved by the USFWS.

In the event that compensatory mitigation is required, the Applicant shall provide the County with documentation that the Service-approved ecosystem preservation or mitigation bank has been credited with the required funds to mitigate project impacts. The Applicant shall provide a report to the County documenting compliance with this requirement **prior to issuance of construction permit**.

56. **MM BR-9.1 - Complete focused surveys for Kern primrose sphinx moth and implement avoidance measures.** Prior to initial ground disturbance and for undisturbed areas during each subsequent construction year, for all areas containing known individuals or populations of *Camissonia spp.* the Applicant shall retain a County-approved biologist to conduct focused surveys for Kern primrose sphinx moth. As there is no USFWS approved survey protocol for this moth, the surveys shall be based on the methods in Jump et al. (2006) and information from the USFWS 5-year status review of this species. Modification to this survey approach may be authorized by the USFWS and County. Focused surveys shall be conducted during the flight season for this species which occurs late January to late February, and as far out as March during cooler years. Surveys would be conducted in all areas where populations of *Camissonia spp.*, the larval host food plant and related species, are located within 100 feet of the Project's impact areas. The County-approved biologist will survey for sphinx moths in these areas during the day, when the temperature exceeds 60° Fahrenheit. If the surveys for individual Kern primrose sphinx moths do not detect the species, no further mitigation (including MM BR-9.2) or avoidance of *Camissonia spp.* is necessary, as the species will be considered absent.

As information is available **prior to construction permit issuance**, areas supporting *Camissonia spp.* within 100 feet of the project footprint shall be shown on all applicable construction plans (with a highly visible method easily identifiable by construction workers

in the field) and submitted with the construction permit application. The Applicant shall avoid to the extent feasible, these identified areas and install sturdy and highly visible delineation markers onsite, that results in a 100-foot buffer around these areas. On-site buffer delineation shall be in place **prior to the commencement of construction activities**. The method used for delineation shall be kept in good working order for the **duration of the construction period**, and removed **prior to final County inspection**.

During construction, the County Environmental Monitor will confirm that surveys are done during the correct time of year if required habitat is present, and other construction provisions are adhered to.

57. **MM BR-9.2 - Compensate for impacts to Kern primrose sphinx moth.** If avoidance of *Camissonia spp.* plants cannot be accomplished, compensatory mitigation for impacts to areas supporting these plants will be applied. Areas occupied by *Camissonia spp.* and impacted by the project will be mitigated at a 2:1 ratio for temporary impacts. Permanent impacts shall be mitigated at a 3:1 ratio for which at least 2:1 of the total 3:1 mitigation required must be occupied by known larval host plants, such as such as strigose suncup (*Camissonia strigulosa*) habitat of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, vegetative structure and composition. This 2:1 ratio must contain verified extant populations of *Camissonia spp.*, at a similar size to those impacted. Additionally, 1:1 of the 3:1 mitigation requirement for Kern primrose sphinx moth may include lands to be restored. Restored lands would require the conversion from existing degraded conditions (i.e., active agriculture, unrestricted grazing, or other disturbed lands) to conditions that match or exceed habitat conditions on lands occupied by Kern primrose sphinx moth occurring on the project site.

Habitat shall be preserved through the use of permanent open space easements. Mitigation lands cannot be located on land that is currently publicly held for resource protection. Mitigation lands may include (depending on the habitat requirements of particular species):

- a. Areas outside the project boundary, but within the Carrizo Plain;
- b. Preservation areas within portions of the project site that are at least 100 feet from solar facilities and are either (1) not permanently impacted by construction and operation of the project, or (2) are temporarily disturbed and then restored according to the requirements in Mitigation Measure BR-1.3; or
- c. Degraded areas (e.g., areas that have been actively dry-farmed) that are restored to high quality habitat through the implementation of a County-approved restoration plan.

Criteria for appropriate mitigation land are species-specific; however, the following factors must be considered in assessing the quality of potential mitigation habitat: (1) Current land use; (2) Location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to solar facilities or other potential sources of disturbance); (3) Vegetation composition and structure; (4) Slope; (5) Soil composition and drainage; and (6) Level of occupancy or use by relevant species.

The Applicant shall either provide open space easements or provide funds for the acquisition of such easements to a "qualified easement holder" (defined below). The California Department of Fish and Game (CDFG) is a qualified easement holder. To qualify as a "qualified easement holder" a private land trust must have:

- d. Substantial experience managing open space easements that are created to meet mitigation requirements for impacts to special-status species;
- e. Adopted the Land Trust Alliance's Standards and Practices; and
- f. A stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed easement holder meets these requirements.

The Applicant shall also be responsible for donating to the easement holder fees sufficient to cover: (1) Administrative costs incurred in the creation of the easement (appraisal, documenting baseline conditions, etc.) and (2) Funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the easement holder in consultation with the County.

Open space easement(s) shall also be subject to the following:

- g. The locations of acceptable easement(s) shall be developed with approval of CDFG and USFWS.
- h. The primary purpose of the easement(s) shall be conservation of impacted species and habitats, but the easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species.
- i. Be held in perpetuity by a qualified easement holder (defined above).
- j. Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Contain a succession clause for a qualified easement holder if the original holder is dissolved.
- k. Be subject to the management requirements outlined in Mitigation Measure BR-16.3 (Develop and implement a Habitat Mitigation and Monitoring Plan for mitigation lands).

However, if lands acquired or protected for the compensation of permanent impacts to San Joaquin kit fox, special-status plants (Mitigation Measure BR-16.2), and/or vegetative communities (Mitigation Measure BR-1.4) contain similar sized populations of the impacted *Camissonia spp.*, of equal or greater habitat value, they may be used to achieve the required compensation ratios.

Documentation of recorded easement(s) shall be submitted to the County, for review and approval, **prior to the issuance of the construction permit**. Verification of having met habitat mitigation requirements shall be reviewed and approved **prior to final inspection**.

58. **MM BR-10.1 - Conduct focused pre-construction surveys for blunt-nosed leopard lizard and implement avoidance measures. Prior to the commencement of any site disturbance in areas not previously subject to protocol level surveys**, the Applicant shall implement pre-construction reconnaissance level surveys (minimum of 3 surveys) for blunt-nosed leopard lizard for each phase of the project in construction areas consisting of natural grassland habitat. Surveys shall be conducted **prior to the initiation of ground disturbance** in each of the proposed solar array locations containing suitable habitat (i.e. annual grassland) and within a 500-foot buffer of any suitable habitat if adjacent land is accessible. This buffer may not be changed unless authorized by the USFWS, CDFG and the County. Surveys shall be conducted by a qualified biologist(s), knowledgeable with the species. These surveys will entail having one or more County-approved biologists walk 30- to 100-foot interval transects through the project area.

If present, active BNLL burrows shall be flagged, a GPS point location recorded and all work activities within 500-feet (or other buffer distance as recommended by the CDFG) of the sighting shall cease. The point location data shall be used to delineate buffers designed to encompass the home range of each individual BNLL. Each buffer shall cover an area of at least 22 acres, which is the approximate size of the largest BNLL home range size computed by Warrick et al. (1988). Each 22-acre buffer shall be delineated by the biologist in consultation with the USFWS, CDFG and the County using the recorded point location as the approximate center of the buffer area. Using habitat modeling based on the current knowledge base of the most important BNLL habitat parameters, the final boundaries of the buffers shall be determined by the County-approved biologist to encompass the 22-acre area of greatest habitat suitability.

To the extent feasible, the 22-acre buffer around the occupied BNLL habitat will not be impacted, even temporarily, by project activities. No construction activities or vehicular traffic shall be allowed within the identified buffer, and all movement corridors shall be delineated with fencing and signage identifying the buffer as off-limits to construction personnel. The fencing around the buffer shall be elevated 24 inches off the ground surface to allow the passage of San Joaquin kit fox and other small mammals through the area. All fencing will be actively maintained and repaired as directed by biological monitors and removed upon completion of that portion of project construction. If complete avoidance of the occupied habitat and buffer is feasible, then no additional measures need to be implemented. If avoidance of the occupied habitat and buffer is not feasible, then impacts to the occupied habitat will be minimized, and the following measures will be implemented.

If, in the opinion of the County-approved biologist in consultation with the USFWS, CDFG and the County barrier fencing will help to prevent impacts to BNLL without causing undue impact to this species' habitat or other species including San Joaquin kit fox, such fencing will be constructed around the worksite to prevent entry by lizards. For the area where fencing will be placed, it will be surveyed prior to installation; then, 36-inch tall silt fencing will be installed around the work area, and buried to a depth of 6 inches. No monofilament plastic will be used for erosion control in the vicinity of this species. Barrier fencing will be removed upon completion of work.

If a BNLL (dead or alive) is located during the preconstruction survey or during construction activities by the biological monitor or anyone else, the project supervisors and biological monitor shall be immediately notified.

In the case that a BNLL is killed or injured as a result of project-related activities, all work activities within 500 feet (or other buffer distance as recommended by the CDFG) of the incident shall immediately cease in order to ensure that no additional lizards are impacted by construction activities, and the biological monitor shall immediately notify the USFWS and CDFG via telephone or electronic mail. Work shall not resume until approved by both agencies and any other mitigation measures recommended by the agencies have been fully implemented.

Protocol level surveys shall then be conducted within the proposed solar array in which the species was observed to determine their distribution on the site. If surveys determine the species likely are present on the adjacent arrays these areas will also require surveys **prior to construction**. Work may not resume until the protocol surveys have been completed unless otherwise authorized by the CDFG, USFWS, and County.

The biologist shall conduct clearance surveys each morning, **prior to initiation of daily construction activities** in adjacent arrays, to ensure that no lizards have entered the

work area overnight. The monitoring shall remain in place until work in that area is complete or additional protocol-level surveys yield negative results for blunt-nosed leopard lizards in the previously occupied areas. Should a blunt-nosed leopard lizard enter the work area all construction activities shall cease within 300-feet of the animal until it has left the area on its own.

The buffers described above may prevent portions of proposed solar arrays from being constructed. The buffer and work stoppage will remain in effect in these areas until such a time that Protocol surveys yield negative results for the species. The resumes of the proposed biologist(s) shall be provided to the County of San Luis Obispo, CDFG and USFWS to show adequate qualifications **prior to the commencement of surveys.**

The Applicant shall report surveys to the County Environmental Monitor and update the WTP if impacts to species not previously addressed are identified.

59. **MM BR-10.2 - Compensate for impacts to occupied blunt-nosed leopard lizard habitat.** Based on the surveys conducted as part of MM BR-10.1 and if impacts to occupied BNLL habitat occur then the Applicant shall compensate for impacts to occupied blunt-nosed leopard lizard habitat at a minimum 3:1 ratio. The mitigation areas must provide occupied habitat that is of equal or greater habitat quality compared to the impacted habitat, and must be located within the Carrizo Plain or other area approved by the USFWS, CDFG, and the County. An open space easement shall be recorded on all property associated with the mitigation lands to protect existing plant resources in perpetuity. An open space easement could be held by CDFG or an approved land management entity and shall be recorded immediately upon the dedication or acquisition of the land. Preserved or acquired mitigation lands will be monitored and maintained per the requirements set forth the Habitat Mitigation and Monitoring Plan prepared for the project and discussed under MM BR-16.2.

Habitat shall be preserved through the use of permanent open space easements. Mitigation lands cannot be located on land that is currently publicly held for resource protection. Mitigation lands must:

- a. be within the Carrizo Plain or other agency approved area with potential to contribute to habitat connectivity and build linkages between known populations of blunt-nosed leopard lizard and/or other preserve lands;
- b. provide habitat for blunt-nosed leopard lizard with capacity to regenerate naturally when disturbances are removed;
- c. be contiguous and biologically connected to lands currently occupied by blunt-nosed leopard lizard; ideally with populations that are stable, recovering, or likely to recover;
- d. not be characterized by high densities of invasive species such as yellow star thistle or species that pose demonstrated challenges for eradication either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration;
- e. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat; and
- f. if lands are preserved within portions of the project site they must be at least 100 feet from solar facilities and must not be permanently impacted by construction and operation of the project, or subject to routine disturbance or maintenance (other than managed grazing for fire control or species management).

The Applicant shall either provide open space easements or provide funds for the acquisition of easements to a "qualified easement holder" (defined below). The California Department of Fish and Game (CDFG) is a qualified easement holder. To qualify as a "qualified easement holder" a private land trust must have:

- g. Substantial experience managing open space easements that are created to meet mitigation requirements for impacts to special-status species;
- h. Adopted the Land Trust Alliance's Standards and Practices; and
- i. A stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed easement holder meets these requirements.

The Applicant shall also be responsible for donating to the easement holder fees sufficient to cover: (1) Administrative costs incurred in the creation of the easement (appraisal, documenting baseline conditions, etc.) and (2) Funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the easement holder in consultation with the County.

Open space easement(s) shall also be subject to the following:

- j. The locations of acceptable easement(s) shall be developed with approval of CDFG and USFWS.
- k. The primary purpose of the easement(s) shall be conservation of impacted species and habitats, but the easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species.
- l. Be held in perpetuity by a qualified easement holder (defined above).
- m. Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Contain a succession clause for a qualified easement holder if the original holder is dissolved.
- n. Be subject to the management requirements outlined in Mitigation Measure BR-16.3 (Develop and implement a Habitat Mitigation and Monitoring Plan for mitigation lands).

However, if lands acquired or protected for the compensation of permanent impacts to San Joaquin kit fox (MM BR-17.2) and/or vegetation communities (MM BR-1.4) contain similar amounts of occupied habitat similar in size to that of the impacted blunt-nosed leopard lizard habitat, of equal or greater habitat value, no further mitigation would be required.

Documentation of recorded easement(s) shall be submitted to the County, for review and approval, **prior to the issuance of the construction permit**. Verification of having met habitat mitigation requirements shall be reviewed and approved **prior to final inspection**.

60. **MM BR-11.1 - Monitor construction in condor habitat and remove trash and microtrash from the work area daily.** To minimize project-related impacts to and avoid the loss of California condors, the Applicant shall employ the following measures:

- a. **Microtrash** – All trash is required to be disposed of as indicated above under MM BR-1.2. Additional language has been added to this Mitigation Measure to address the disposal of microtrash. Workers, as part of the WTP, shall be trained on the issue of microtrash (what it is, its potential effects to California condors, and how to avoid the deposition of microtrash). In addition, the Applicant shall assign a specific person(s) to

conduct daily sweeps of the work area to collect and remove trash in locations with the potential for California condors to occur.

- b. **Education – Prior to the commencement of construction activities**, all workers will attend the WTP. The Applicant shall develop a fact sheet or other notice, to be presented as part of the WTP, which will be distributed to all workers on the project **prior to the start of construction** containing information on the California condor. Information to be included consists of the following: species description with photos and/or drawings indicating how to identify the California condor and how to distinguish condors from turkey vultures and golden eagles; protective status and penalties for violation of the Endangered Species Act; avoidance measures being implemented on the project; and contact information for communicating condor sightings.
- c. **Avoidance** – Should a condor land within the project area all work shall be stopped within 500 feet of the condor until the bird has left the area on its own. If the bird fails to leave the area because of injury or other factors the Applicant shall contact the USFWS /CDFG and County for direction.
- d. **Reporting** – All California condor sightings in the project area shall be reported directly to the USFWS/CDFG and County within 24 hours.

During construction, compliance will be verified by the County Environmental Monitor.

- 61. **MM BR-13.1 - Implement Avian Power Line Interaction Committee guidelines (APLIC).** The Applicant will be required to construct all transmission facilities, towers, poles and lines in accordance with and comply with all policies set forth in the *Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006* (APLIC), to minimize avian electrocutions as a result of the construction of the Project. Details of design components shall be indicated on all construction plans and measures to comply with APLIC policies and guidelines shall be detailed in a separate attachment, all of which will be submitted with the construction permit application for County approval **prior to construction permit issuance**.

The Applicant shall be required to monitor for new versions of the APLIC guidelines and update designs or implement new measures as needed during project construction provided these actions do not require the purchase of previously ordered transmission line structures. A review by the County Environmental Monitor of compliance with County-approved plans will be conducted **prior to the final County inspection**.

- 62. **MM BR-14.1 - Prepare and implement a Bird Monitoring and Avoidance Plan.** The Applicant shall retain a County-approved biologist (ornithologist with a record of publication in peer-reviewed journals) to prepare a Bird Monitoring and Avoidance Plan in consultation with California Department of Fish and Game (CDFG) and U.S. Fish and Wildlife Service (USFWS). This plan shall follow the Avian Protection Plan guidelines outlined by USFWS. The Bird Monitoring Study shall consider prior studies by McCrary et al. (1986) or other applicable literature. The Bird Monitoring and Avoidance Plan shall be submitted to the County for approval **prior to the issuance of a construction permit**.

The plan will require monitoring the death and injury of birds and bats from collisions with facility features such collector/distribution lines, solar modules, and dust control ponds. The study design shall be approved by the County of San Luis Obispo in consultation with CDFG and USFWS. The Bird Monitoring Study shall include at a minimum detailed specifications on data, a carcass collection protocol and a rationale justifying the proposed schedule of carcass searches. The study shall also include seasonal trials to assess bias from carcass removal by scavengers as well as searcher bias.

During construction and for three years following the beginning of the solar farm operation the County-approved biologist shall submit quarterly reports to the County of San Luis Obispo, CDFG, and USFWS describing the dates, durations, and results of monitoring and data collection. The quarterly reports shall provide a detailed description of any project-related bird or wildlife deaths or injuries detected during the monitoring study or at any other time. Following the completion of the fourth quarter of monitoring the biologist shall prepare an annual report that summarizes the year's data, analyzes any project-related bird fatalities or injuries detected, and provides recommendations (in consultation with the County) for future monitoring and any adaptive management actions needed.

Thresholds. Thresholds for bird impacts will be determined by the County in consultation with CDFG and USFWS. If the County determines that bird mortality caused by solar facilities is substantial, the Applicant shall be required to implement some or all of the mitigation measures below.

Implementation Measures. To minimize bird mortality caused by solar facilities, the Applicant may be required to install additional bird/bat flight diverters, alter project components that have been identified as key mortality features (i.e., relocation or undergrounding of some features, when compatible with other avoidance and minimization measures, the modification of project colors or coatings), or implement other appropriate actions approved by the County and regulatory agencies based on the findings of the Bird Monitoring and Avoidance Plan.

If mitigation actions are required, the annual reporting shall continue until the County of San Luis Obispo, in consultation with CDFG and USFWS determines whether more years of monitoring are needed, and whether additional adaptive management measures are necessary. After the Bird Monitoring Study is determined by the County of San Luis Obispo to be complete, the Applicant shall prepare a paper that describes the study design and monitoring results to be submitted to a peer-reviewed scientific journal or to the County. Proof of submittal shall be provided to the County of San Luis Obispo, CDFG and USFWS within one year of concluding the monitoring study.

The County Environmental Monitor shall verify the monitoring of impacts to birds **during construction and for one year after completion of construction.**

63. **MM BR-16.1 - Complete focused pre-construction giant kangaroo rat burrow/precinct surveys and implement avoidance measures.** Prior to commencement of ground disturbing activities the Applicant shall retain a County-approved biologist to conduct pre-construction surveys for each phase (of project construction) in all areas composed of annual grassland or other suitable habitat. If active giant kangaroo rat burrows/precincts are present, they shall be flagged, with ground-disturbing activities to be setback a minimum of 100 feet from each active burrow/precinct. The setback shall be delineated in the field in such a method that it is easily visible by all construction personnel and no work will be allowed within the setback areas (for the duration of the project) until authorized by the USFWS, CDFG, and the County. The biological monitor shall periodically field check the mapped burrows/precincts to buffer delineation and ensure that applicable flagging is in good working order. All active burrows/shall be mapped and incorporated into a GIS based figure for use by the onsite monitors and construction crews. Figures shall include each mapped burrow/precinct and buffer utilizing a highly visible method easily identifiable by construction workers and monitors in the field. Prior to the final County inspection a final monitoring report shall be submitted to the County, CDFG and USFWS. Avoidance of burrows/precincts is

mandatory. The Applicant shall notify the CDFG, USFWS, and County within 24 hours if giant kangaroo rats are detected on the project site.

If the Applicant determines that future construction activities will require work within the setback areas noted above they must provide documentation of a take permit and biological opinion from the CDFG and USFWS respectively.

If avoidance is not possible, the Applicant and County-approved biologist will develop and implement a Giant Kangaroo Rat Relocation Plan to be submitted to the County, in consultation with CDFG and USFWS. The Plan shall include but shall not be limited to the following actions:

- a. Vegetation shall be cleared in the area immediately surrounding active burrows/precincts, followed by a period of one night without further disturbance to allow the giant kangaroo rats to vacate the burrow/precinct. Where giant kangaroo rats occur within 33 feet of the solar arrays or in areas subject to temporary disturbance and no permanent damage to precincts will occur these animals will be temporarily held and released back into the precinct where trapped. Giant kangaroo rats located beyond 33 feet into the arrays will require translocation to adjacent areas.
- b. If giant kangaroo rats do not voluntarily leave occupied burrows/precincts they shall be live trapped **prior to commencing ground disturbing activities** in the area. If the disturbance is temporary (< 1 day) trapped individuals may be held under suitable conditions, during the period of disturbance, and then relocated to suitable habitat within conservation lands with highest preference for relocation of animals to constructed or vacant giant kangaroo rat burrow precincts on the project site.
- c. The trapping protocol for giant kangaroo rat shall include fencing the precinct area to prevent the animals from escaping and conducting six consecutive trap nights using 20 percent more traps than the number of identified precincts. An area would be considered vacant if the last two trapping nights do not yield positive results. If animals are detected on the last two days, an additional two days of trapping will be required. If there remains evidence that giant kangaroo rats remain, the burrow complexes will be carefully hand excavated. Each animal will be held for a brief period of time, fitted with a passive integrated transponder (PIT) tag, health-assessed, and released to pre-identified locations.
- d. Methods shall be taken to prevent reentry to the burrow (e.g., one way doors) by giant kangaroo rat (and other small mammal species) until construction is complete in these areas. In areas adjacent to the arrays escape burrows will be augured into the ground to provide additional shelter for displaced animals.
- e. Once construction activities are complete access to the burrows shall be restored where possible. If construction-related impacts would result in the crushing or destruction of a burrow then the burrow shall be excavated (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time). Giant kangaroo rat burrows/precincts shall not be disturbed from January through June (recognized breeding/mating season) unless a County-approved biologist, utilizing video technology, verifies that no young are present in the burrow.
- f. Release sites will be prepared so that the survival of relocated giant kangaroo rat is maximized; this will include the construction of artificial burrows, supplemental food, maintenance of spatial relationships at release sites of animals captured at the project site, temporary enclosure fencing to allow the animals to acclimate to the release site

and to reduce vulnerability to predation, monitoring, and an adaptive management plan.

- g. Relocation and reference sites shall be monitored for a period of ten years. The monitoring shall include radio telemetry monitoring on a subset of the relocated animals, PIT tagging, monthly visits for the first five years to quantify the number distribution, and status of precincts. If the results of the five year monitoring indicate the animals are persisting and increasing in numbers, the monitoring will be reduced to one fall visit each during year seven and year ten.

The Applicant shall document all giant kangaroo rat burrows/precincts abandoned or destroyed and, **prior to final County inspection**, as well as provide a written report to the County of San Luis Obispo, CDFG and USFWS. The specific requirements of this measure, including the trapping guidelines, handling procedures, or release locations, may be updated as handling and translocation data are obtained, pending the approval of the County, CDFG, and USFWS.

During construction, compliance will be verified by the County Environmental Monitor. **Prior to the final County inspection** the final report, detailed above, shall be submitted to the County, CDFG and USFWS.

64. **MM BR-16.2 - Compensate for permanent impacts to giant kangaroo rat and San Joaquin antelope squirrel.** Based on the results of the giant kangaroo rat surveys to be conducted per MM BR-16.1 and the San Joaquin antelope squirrel surveys to be conducted per MM BR-18.1, the Applicant may be required to compensate for impacts to occupied habitat or individual species. If the Applicant determines that construction activities must occur within occupied habitat, and they have obtained the required take permit and biological opinion (as noted above under MM BR-16.1), they shall be required to compensate for impacts to giant kangaroo rat and/or San Joaquin antelope squirrel. To compensate for permanent impacts to these species the Applicant shall acquire and/or restore parcels of land as described below.

The exact number of acres permanently impacted, and therefore the number of acres requiring compensatory mitigation, shall be determined based on final project design and engineering. For the Solar generation facility, impact acreage shall be calculated based on all fenced areas and all other areas of permanent impacts such as buildings and roads.

To mitigate for the loss of habitat and the loss of individual animals, the Applicant shall provide compensatory mitigation acreage adjusted to reflect the final project footprint. Mitigation land shall be preserved at a 4:1 ratio (or a 5:1 ratio if certain performance standards are not met, see below) for permanent impacts to giant kangaroo rat habitat. This includes the acquisition, enhancement, preservation, and management of occupied habitat at a 3:1 ratio and the creation of habitat through the retirement of active dry-land farming or the enhancement of other disturbed habitat at a 1:1 ratio. An additional 1:1 of occupied habitat preservation (for a total of 5:1) shall be added if either (1) the occupancy standard described below under "Created Habitat" is not met or (2) if the Applicant chooses to opt out of this occupancy standard for created habitat.

Land Acquisition Requirements

The following factors must be considered in assessing the quality of potential mitigation habitat: (1) Current land use; (2) Location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to solar facilities or other potential sources of disturbance); (3) Vegetation composition and structure; (4) Slope; (5) Soil composition and drainage; and (6) Level of occupancy or use by relevant species.

Occupied Habitat. To meet the requirements for occupied habitat, the mitigation lands selected for acquisition shall be equal or greater habitat value and have an equivalent level of occupancy by these species and must:

- a. be within the Carrizo Plain or other agency-approved area with potential to contribute to habitat connectivity and build linkages between known populations of giant kangaroo rat, San Joaquin kit fox, and San Joaquin antelope squirrel and/or other preserve lands;
- b. provide habitat for giant kangaroo rat and San Joaquin kit fox with capacity to regenerate naturally when disturbances are removed;
- c. not be characterized by (or adjacent to areas characterized by) high densities of invasive species such as yellow star thistle or species that might jeopardize habitat recovery and restoration;
- d. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat;
- e. not be located on land that is currently publicly held for resource protection; and
- f. if lands are preserved within portions of the project site they must be at least 100 feet from solar facilities and must not be permanently impacted by construction and operation of the project, or subject to routine disturbance or maintenance (other than managed grazing for fire control or species management).

Created Habitat. To meet the requirements for the creation of habitat, the mitigation lands selected for acquisition must:

- g. be within the Carrizo Plain or other agency-approved area with potential to contribute to habitat connectivity and build linkages between known populations of giant kangaroo rat and San Joaquin kit fox, and/or other preserve lands;
- h. consist of actively dry-farmed land or other disturbed areas (with the approval of the County, CDFG, and USFWS);
- i. be contiguous and biologically connected, as agreed to by the County, CDFG, and USFWS, to lands currently occupied by giant kangaroo rat, ideally with populations that are stable, recovering, or likely to recover;
- j. support suitable soils, slope, and drainage patterns consistent with giant kangaroo rat and San Joaquin kit fox requirements;
- k. not be located on land that is currently publicly held for resource protection; and
- l. not contain hazardous wastes or structures that cannot be removed to the extent that the site could not provide suitable habitat;
- m. prior to acquisition or implementation, should the land be proposed for limited grazing to complement reestablishment of sensitive biological resources, the County shall evaluate to determine to what extent, if any, the two can jointly qualify for protection of agricultural and sensitive biological lands. Where limited grazing is determined acceptable, a livestock range management expert shall be consulted along with the biologist to determine potential acreages available for grazing and what the sustainable carrying capacity would be given the biological constraints.

Created Habitat Restoration Standards. For created habitat to be considered functional habitat, complete rehabilitation of created habitat lands from existing degraded conditions (i.e., active dry farming or other disturbed condition) to conditions that match or exceed

habitat conditions on the project site shall be required. After 5 years, these lands must meet the following restoration standards:

- n. consist of annual grasslands or other grassland vegetation consistent with the known ecology of giant kangaroo rats (without infestations of noxious or invasive weeds (i.e., Russian thistle, star thistle, etc.);
- o. support less than 30 percent shrub cover;
- p. support natural drainage patterns and not be dominated by large areas that are subject to seasonal inundation during periods of normal rainfall; and
- q. meet other restoration criteria as required by the USFWS and CDFG, as specified in the approved restoration plan.

Open Space Easement Requirements

Open space easement(s) shall be recorded on all property associated with the mitigation lands to protect biological resources in perpetuity. The Applicant shall either provide open space easements or provide funds for the acquisition of open space easements to a "qualified easement holder" (defined below). CDFG is a qualified easement holder. To be a "qualified easement holder" a private land trust must have:

- r. Substantial experience managing open space easements that are created to meet mitigation requirements for impacts to special-status species;
- s. Adopted the Land Trust Alliance's Standards and Practices; and
- t. A stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed easement holder meets these requirements.

The Applicant shall also be responsible for providing to the easement holder fees sufficient to cover: (1) Administrative costs incurred in the creation of the easement (appraisal, documenting baseline conditions, land acquisition costs, initial clean up, etc.) and (2) Funds in the form of an endowment to cover the cost of implementing, monitoring, and enforcing the terms of the easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the easement holder in consultation with the County.

Open space easement(s) shall also be subject to the following:

- u. The locations of acceptable open space easement land(s) shall be developed with approval of CDFG and USFWS.
- v. The primary purpose of the easement(s) shall be conservation of impacted species and habitats, but the easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species.
- w. Be held in perpetuity by a qualified easement holder (defined above).
- x. Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Contain a succession clause for a qualified easement holder if the original holder is dissolved.

Mitigation lands will be monitored and maintained per the requirements set forth in the Habitat Mitigation and Monitoring Plan prepared for the project, discussed below under MM BR-16.3. An annual report shall be submitted to the County.

65. **MM BR-16.3 - Prepare a Habitat Mitigation and Monitoring Plan.** To ensure the success of onsite preserved land and acquired mitigation lands, required for compensation of permanent impacts to vegetative communities and listed or special-status plants and wildlife, the Applicant shall retain a County-approved biologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP). The HMMP will be submitted to the County of San Luis Obispo for review and approval **prior to the issuance of a construction permit. Prior to the final County inspection** final impact acreages must be presented to the County and acquisition of off-site lands must be verified. The HMMP will include, at a minimum, the following information:
- a. Summary of anticipated habitat impacts and the proposed mitigation.
 - b. Detailed description of the location and boundaries of undisturbed project areas proposed for preservation, offsite mitigation lands, and a description of existing site-wide conditions. The HMMP shall include detailed analysis showing that the mitigation lands meet the performance criteria outlined in Mitigation Measure BR-1.3 (Develop a Habitat Restoration and Monitoring Plan) and BR-17.2 (Compensate for permanent impacts to San Joaquin kit fox).
 - c. Discussion of measures to be undertaken to enhance (e.g., through focused management) the onsite preserved habitat and offsite mitigation lands for listed and special-status species.
 - d. Dedication of adequate funds consistent with the PAR analysis required for CDFG and USFWS permit requirements.
 - e. Description of management and maintenance measures (e.g., managed grazing, fencing maintenance, etc.). Monitoring shall document compliance with Mitigation Measure BR-17.2 (Compensate for permanent impacts to San Joaquin kit fox) and EM-1 (Applicant funding for environmental monitoring).
 - f. Discussion of habitat and species monitoring measures for onsite preservation areas and offsite mitigation lands, including specific objectives, performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.
 - g. Development of a strategy for the monitoring of indirect impacts to vegetation and wildlife from alteration to the solar and hydric regimes as a result of solar modules.
 - h. Development of a Managed Grazing Plan for mitigation lands. This plan shall, at the minimum, include an annual evaluation of rainfall and total bio mass in order to determine the number and time period cattle and/or sheep could be actively grazed on mitigation lands. Because of the uncertainty of annual rainfall continuous adaptive management would be required.
 - i. Development of a monitoring strategy, which shall serve to document the persistence of San Joaquin kit fox populations within the project site and on mitigation lands. This monitoring will be conducted for a minimum of 5 years after the completion of construction activities. The strategy, should include, at the minimum, the following:
 - i. Documentation of pre-project population levels for the species noted above, based on results of focused pre-construction surveys and previously supplied Applicant data.
 - ii. On-going monitoring of species populations upon completion of construction activities, while the project is in operation, for a minimum of three years.

- iii. Monitoring of reference populations for each of these species in areas that contain undisturbed habitat, such as the Carrizo Plain National Monument.
 - iv. An analysis of the comparison of percent changes in population levels at the project and reference sites to be used in the determination of adaptive management strategies.
 - j. A contingency plan shall be created for mitigation elements that do not meet performance or final success criteria within 5 years. The contingency plan will include specific triggers for remediation if performance criteria are not being met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) will occur.
 - k. The Applicant (in consultation with the land trust/agency that holds open space easements on mitigation lands) is responsible for the monitoring, as specified in the HMMP, of the mitigation lands during project construction and for 3 years after the completion of construction. During this period, regular reporting shall be provided to the County. Thereafter, mitigation lands shall be monitored at least once per year by the land trust/agency that holds the open space easements. Monitoring reports shall be submitted to the County annually for the specified reporting period.
66. **MM BR-17.1 - Conduct focused pre-construction San Joaquin kit fox surveys and implement avoidance measures.** No more than 30 days prior to commencement of construction activities the Applicant shall retain a County- and USFWS-approved biologist to conduct pre-construction surveys for each phase of the project. This may include scat surveys, walking transect surveys, documentation of tracks, motion detecting cameras and spotlighting to determine kit fox den locations. If present, San Joaquin kit fox dens (potential, known) will be fenced and ground-disturbing activities shall be avoided within a minimum of 100 feet surrounding each potential or known den. Locations of SJKF found within the Project site shall be recorded and reported to the USFWS and CDFG within 48 hours. Fencing shall encircle each den at the appropriate buffer distance and should not prevent access to the den by San Joaquin kit fox. Once construction activities will no longer affect the den, all fencing will be removed to avoid attracting subsequent attention to the dens. Atypical dens will require a 100-foot buffer demarcated by flagging. The flagging shall consist of 4 to 5 flagged stakes 100 feet from the den entrance(s) to identify the den location. Unoccupied natal dens shall be flagged, in the same manner noted above, and require a 200-foot buffer. All onsite flagging and buffer delineations shall be kept in good working order for the duration of each construction phase. The biologist shall routinely monitor all dens flagged for protection to ensure they are not disturbed during the construction phase.

Occupied natal dens found within 1,000 feet of project activities on the Proposed Project site, from August 1–November 30 shall require immediate contact with the USFWS. All project-related activities within the 1,000-foot radius shall stop until the USFWS gives direction regarding appropriate buffer areas and the buffer is established. The established buffer may only be adjusted upon written approval from the USFWS/and County. If occupied natal dens are encountered from December 1 to July 31 project activities within 1,600 feet (USFWS recommended buffer) of the dens will be prohibited until the pups have left the den. Avoidance of natal dens is mandatory and shall not be disturbed at any time.

If avoidance of potential or known dens is not possible, the Applicant shall take the following sequential steps when working in such areas:

- a. Allow for three consecutive days of monitoring to determine the occupancy status of each den. Activity at the den shall be monitored by using tracking medium at the entrance to the den or stationary infrared beam cameras and by spotlighting. If no activity is observed actions described below under step 3 may be implemented. If kit fox activity is observed the den shall be monitored for an additional 5 days from the date of observance. Use of the den during this time can be discouraged by partially plugging its entrance(s) with soil in such a manner that any resident animal can escape easily. If kit fox are still present after 5 days, den excavation, discussed below under step 3 may proceed when, in the judgment of the qualified/approved biologist it is temporarily vacant.
- b. Once the kit fox has vacated the den, methods (e.g., one way doors) shall be taken to prevent reentry to the burrow by kit fox (and other mammal species) until construction is complete in these areas. Once construction activities are complete access to the burrows shall be restored.
- c. As indicated above, natal dens shall not be disturbed at any time. For all other dens, once it has been confirmed that the dens have been vacated, if construction-related impacts would result in the crushing or destruction of a den then the den shall be excavated. Excavation shall be done only hand and under the direct supervision of the biologist, removing no more than 4 inches at a time. If at any time during excavation a San Joaquin kit fox is discovered inside the den all activity will cease immediately and monitoring described above under step 1 shall be resumed.

The biologist shall document all kit fox dens abandoned, destroyed or avoided/ protected. **Prior to the County's final inspection**, the biologist shall prepare a written compliance report for County review and approval. Copies of this report shall also be provided to CDFG and USFWS.

To allow for potential SJKF passage and access to the chain link fenced portions of the project site small openings, approximately 12" x 4" to 6" will be constructed in the base of the fence about every 100 yards. Prior to the completion of construction in each phase of the project, the Applicant shall replace all excavated kit fox dens with artificial dens on a 2:1 basis. Additionally, in areas where the excavation of kit fox dens is not required, artificial dens shall be installed a ratio of two dens per square mile. The location and design of the artificial dens shall be prepared by the County-qualified biologist and approved by the County, in consultation with the USFWS/CDFG, prior to installation.

Prior to the completion of construction in each phase of the project, the Applicant shall replace all excavated kit fox dens with artificial dens on a 2:1 basis. The location and design of the artificial dens shall be prepared by the County-approved biologist and approved by the County, in consultation with the USFWS/, prior to installation.

Additionally, upon completion of each phase of construction activities, escape dens shall be installed in areas between the arrays to facilitate movement of individuals through the project area. These dens will measure 8 inches across, be constructed of PVC pipe and be installed with rebar to restrict the opening to 6 inches to prevent use by badgers or coyotes. The 8-inch diameter PVC pipe should be at least 25 feet long, placed flat on the ground surface and covered with soil for thermal protection. A minimum of one escape den per quarter mile shall be required. Locations of all escape dens shall be indicated on all constructions plans submitted with the construction permit package and be approved by the County in consultation with the USFWS/CDFG prior to installation.

During construction, compliance will be verified by the County Environmental Monitor, in consultation with CDFG and USFWS.

67. **MM BR-17.2 – Compensate for permanent impacts to San Joaquin kit fox.** To compensate for permanent impacts to San Joaquin kit fox habitat, including California grassland and cropland, the applicant shall acquire parcels of land at the ratios described below:

Compensation for impacts to San Joaquin kit fox shall include the acquisition of land at a 4:1 ratio for impacts to California grassland habitat. This will result in the acquisition of lands for impacts to San Joaquin kit fox and its habitat as follows.

At least 50 percent (2:1) of the total 4:1 mitigation required must be occupied habitat. To meet the requirements for occupied habitat, the mitigation lands selected for acquisition shall be equal or greater habitat value and have an equivalent level of occupancy by these species and must:

- a. Be within the Carrizo Plain or other agency-approved area with potential to contribute to habitat connectivity and build linkages between known populations of San Joaquin kit fox and/or other preserve lands;
- b. Provide habitat for San Joaquin kit fox with capacity to regenerate naturally when disturbances are removed;
- c. Not be characterized by (or adjacent to areas characterized by) high densities of invasive species such as yellow star thistle or species that might jeopardize habitat recovery and restoration;
- d. Not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat;
- e. Not be located on land that is currently publicly held; and
- f. If lands are preserved within portions of the project site they must be at least 100 feet from solar facilities and must not be not permanently impacted by construction and operation of the project, or subject to routine disturbance or maintenance (other than managed grazing for fire control or species management).

Additionally, 50 percent (2:1) of the 4:1 mitigation requirement for San Joaquin kit fox may include lands to be restored. To meet the requirements for the restoration of habitat the mitigation lands selected for acquisition must:

- g. Be within the Carrizo Plain or other agency-approved area with potential to contribute to habitat connectivity and build linkages between known populations of San Joaquin kit fox, and/or other preserve lands;
- h. Consist of actively dry-farmed land or other disturbed areas (with the approval of the County, CDFG, and USFWS);
- i. Be contiguous and biologically connected, as agreed to by the County, CDFG, and USFWS, to lands currently occupied by San Joaquin kit fox, ideally with populations that are stable, recovering, or likely to recover;
- j. Support suitable soils, slope, and drainage patterns consistent with San Joaquin kit fox requirements;
- k. Not be located on land that is currently publicly held; and

- l. Not contain hazardous wastes or structures that cannot be removed to the extent that the site could not provide suitable habitat.

All San Joaquin kit fox mitigation lands may employ managed grazing. Grazing activities would be based on the requirements of a Managed Grazing Plan, to be developed for the Project as required in Mitigation Measure BR-16.3 (Prepare a Habitat Mitigation and Monitoring Plan).

Compensation for impacts to San Joaquin kit fox shall also include the acquisition of land at a 1:1 or 2:1 ratio for permanent impacts to cropland habitat. This will result in the acquisition of lands for impacts to San Joaquin kit fox and its habitat as follows.

- m. Cropland Impacts Mitigated at 1:1. Based on the scat and den survey data provided by the Applicant, cropland demonstrating low usage (areas outside of a 3 square mile territory set up around known natal dens based on 2010 den locations) by SJKF will be mitigated for at a 1:1 ratio. The acquired lands must comply with the conditions set forth above for the acquisition of occupied habitat for impacts to annual grassland habitat.
- n. Cropland Impacts Mitigated at 2:1. Based on the scat and den survey data provided by the Applicant, cropland demonstrating medium – high usage (within a 3 square mile territory surrounding a known natal den based on 2010 den locations) by SJKF will be mitigated for at a 2:1 ratio. The acquired lands must comply with the conditions set forth above for the acquisition of occupied habitat for impacts to annual grassland habitat.

Additionally, 25 percent (1:1) of the 2:1 mitigation requirement for impacts to San Joaquin kit fox habitat within cropland, could also include lands to be restored. The acquired lands must comply with the conditions set forth above for the acquisition of lands to be restored for impacts to annual grassland habitat.

The acquired lands must be occupied by habitat of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, vegetative structure and composition and will contain verified extant populations, of a similar size to those impacted. The minimum and/or maximum percent requirements for lands to be acquired and/or restored may not be changed unless authorized by the County in consultation with USFWS and CDFG.

Land acquired as compensation for impacts to San Joaquin kit fox shall provide large contiguous blocks of habitat, focusing in on areas that will sustain or increase connectivity and dispersal within the region. This may include, but is not limited to, areas northwest and east of the Proposed Project site that connects the southern core populations occurring at the National Monument with those to the north in the Palo Prieto area.

If the acquired lands support more than one of the target species (i.e., giant kangaroo rat, San Joaquin kit fox, and San Joaquin antelope squirrel all co-occur) and can be managed to support the species noted above, the proposed mitigation lands could be aggregated so the purchase of mitigation lands for one species could cover a portion of the mitigation requirements for the remaining species. The habitat acquired for the mitigation (which may include preservation areas within the undisturbed areas of the project site provided they occur a minimum of 100 feet from project components, mitigation lands outside of the main Project site or a combination of both) must not already be public land and shall be located within the Carrizo Plain.

Open space easement(s) shall be recorded on all property associated with the mitigation lands to protect biological resources in perpetuity. The Applicant shall either provide open space easements or provide funds for the acquisition of open space easements to a "qualified easement holder" (defined below). CDFG and organizations approved by CDFG that meet the criteria below are qualified easement holders. To be a "qualified easement holder" a private land trust must have:

- o. Substantial experience managing open space easements that are created to meet mitigation requirements for impacts to special-status species;
- p. Adopted the Land Trust Alliance's Standards and Practices; and
- q. A stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed easement holder meets these requirements.

The Applicant shall also be responsible for providing to the easement holder fees sufficient to cover: (1) Administrative costs incurred in the creation of the easement (appraisal, documenting baseline conditions, land acquisition costs, initial clean up, etc.) and (2) Funds in the form of an endowment to cover the cost of implementing, monitoring, and enforcing the terms of the easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the easement holder in consultation with the County.

Open space easement(s) shall also be subject to the following:

- r. The locations of acceptable open space easement land(s) shall be developed with approval of CDFG and USFWS.
- s. The primary purpose of the easement(s) shall be conservation of impacted species and habitats, but the easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species.
- t. Be held in perpetuity by a qualified easement holder (defined above).
- u. Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Contain a succession clause for a qualified easement holder if the original holder is dissolved.

Mitigation lands will be monitored and maintained per the requirements set forth in the Habitat Mitigation and Monitoring Plan prepared for the project, discussed above under MM BR-16.3. An annual report shall be submitted to the County.

68. **MM BR-18.1 - Complete focused pre-construction San Joaquin antelope squirrel surveys and implement avoidance measures.** No more than 30 days prior to the commencement of ground disturbance activities the Applicant shall retain a County-approved biologist to conduct pre-construction surveys for each phase of project construction in all areas composed of annual grassland or other suitable habitat. If present, active San Joaquin antelope squirrel burrows shall be flagged and ground-disturbing activities shall be avoided within a minimum of 100 feet surrounding each active burrow. The CDFG and County shall be notified within 24 hours of the detection of San Joaquin antelope squirrel on the project site. The setback shall be delineated in the field in such a method that it is easily visible by all construction personnel and no work will be allowed within the setback areas (for the duration of construction). The biological monitor shall periodically field check the mapped burrows/precincts to buffer delineation and that flagging are all in good working order. All active burrows/precincts shall be mapped and

incorporated into a GIS based figure for use by the on-site monitors and construction crews. Figures shall include each mapped burrow/precinct and buffer utilizing a highly visible method easily identifiable by construction workers and monitors in the field. Prior to the County's final inspection, a final monitoring report shall be submitted to the County and CDFG.

If the Applicant determines that future construction activities will require work within the setback areas noted above they must obtain a take permit from the CDFG.

69. **MM BR-19.1 - Conduct pre-construction surveys for Special-Status plants and implement avoidance measures.** Prior to initial ground disturbance for any grassland (areas not cropped for two years) areas not disturbed prior to Spring 2013, and for undisturbed grassland areas in subsequent construction years, the Applicant shall conduct pre-construction surveys for special-status plant species in all grassland areas subject to ground-disturbing activity, including, but not limited to, solar panel footing preparation and construction areas, assembly yards, and areas subject to grading for new access roads. The surveys shall be conducted during the appropriate blooming period(s) by a County-approved plant ecologist/biologist according to protocols established by the USFWS, CDFG, and California Native Plant Society (CNPS). All listed plant species found shall be marked and avoided. Any populations of special-status plants found during surveys will be fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared.

These surveys must be accomplished within 24 months of construction and during a year in which rainfall totals are at least 80% of average and in which the temporal distribution of rainfall is not highly abnormal (e.g., with the vast majority of rainfall occurring very early or late in the season) to be reasonably certain of the presence/absence of special-status plant species, unless surveys of reference populations document that precipitation conditions would not have adversely affected the ability to detect the species. In the event of prolonged drought conditions, and if the Applicant has conducted annual surveys (beginning in Spring 2012 and in accordance with the protocols noted above), the County can adjust the precipitation conditions requirement and consider the results of all prior surveys in determining necessary avoidance areas.

Prior to site grading, any populations of special-status plant species identified during the surveys shall be protected by a buffer zone. The buffer zone shall be established around these areas and shall be of sufficient size to eliminate potential disturbance to the plants from human activity and any other potential sources of disturbance including human trampling, erosion, and dust. The size of the buffer depends upon the proposed use of the immediately adjacent lands, and includes consideration of the plant's ecological requirements (e.g., sunlight, moisture, shade tolerance, physical and chemical characteristics of soils) that are identified by a County-approved plant ecologist and/or botanist. The buffer for herbaceous and shrub species shall be, at minimum, 50 feet from the perimeter of the population or the individual. A smaller buffer may be established, provided there are adequate measures in place to avoid the take of the species, with the approval of the USFWS, CDFG, and County of San Luis Obispo. Highly visible flagging shall be placed along the buffer area and remain in good working order during the duration of any construction activities in the area. If project-related impacts result in the loss of more than 10% of the onsite population of any special-status plant species, compensatory mitigation will be required as described below.

During construction, compliance will be verified by the County Environmental Monitor, which will include documenting when yearly survey events occur, review the resulting data and update the WTP if impacts to species not previously addressed are anticipated.

70. **MM BR-19.2 - Compensate for impacts to Special-Status plant species.** If project-related impacts result in the loss of more than 10% of the onsite population of any special-status plant species, compensatory mitigation will be required. Prior to the disturbance of habitat for or take of Special-Status plants/populations the Applicant must receive County approval of preserved and/or mitigation lands as well as present documentation of recorded open space easement(s). Compensation will be required for all impacts that exceed the 10% threshold (e.g. impacts to 15% of a population will only require compensation for 5% or the amount of impacts that exceed the 10% threshold). To compensate for permanent (including areas located beneath the arrays) impacts to special-status plant species, habitat (which may include preservation of areas within the undisturbed areas of the project footprint, mitigation lands outside of the main Project site or a combination of both) that is not already public land under resource protection shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Compensation for temporary impacts shall include land acquisition and/or preservation at a 0.5:1 ratio. The preserved habitat for a significantly impacted plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, vegetation structure, and will contain verified extant populations, of the same size or greater, of the special-status plants that are impacted. Impacts could include direct impacts resulting from loss of habitat or indirect impacts if a significant population or portion thereof is unable to be avoided.

Habitat shall be preserved through the use of permanent open space easements or other open space mechanism acceptable to the County. Mitigation lands cannot be located on land that is currently publicly held for resource protection. Mitigation lands may include (depending on the habitat requirements of particular species):

- a. Areas outside the project boundary, but within the Carrizo Plain;
- b. Preservation areas within portions of the project site that are at least 100 feet from solar facilities and are either (1) not permanently impacted by construction and operation of the project, or (2) are temporarily disturbed and then restored according to the requirements in MM BR-1.3; and
- c. Degraded areas (e.g., areas that have been actively dry-farmed) that are restored to high quality habitat through the implementation of a County-approved restoration plan.

Criteria for appropriate mitigation land are species-specific; however, the following factors must be considered in assessing the quality of potential mitigation habitat: (1) Current land use; (2) Location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to solar facilities or other potential sources of disturbance); (3) Vegetation composition and structure; (4) Slope; (5) Soil composition and drainage; and (6) Level of occupancy or use by relevant species.

The Applicant shall either provide open space easements or provide funds for the acquisition of open space easements to a "qualified easement holder" (defined below). The California Department of Fish and Game (CDFG) is a qualified easement holder. To qualify as a "qualified easement holder" a private land trust must have:

- d. Substantial experience managing open space easements that are created to meet mitigation requirements for impacts to special-status species;

- e. Adopted the Land Trust Alliance's Standards and Practices; and
- f. A stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed easement holder meets these requirements.

The Applicant shall also be responsible for donating to the easement holder fees sufficient to cover: (1) Administrative costs incurred in the creation of the easement (appraisal, documenting baseline conditions, etc.) and (2) Funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the easement holder in consultation with the County.

Open space easement(s) shall also be subject to the following:

- g. The locations of acceptable easement(s) shall be developed with approval of CDFG and USFWS.
- h. The primary purpose of the easement(s) shall be conservation of impacted species and habitats, but the easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species.
- i. Be held in perpetuity by a qualified easement holder (defined above).
- j. Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Contain a succession clause for a qualified easement holder if the original holder is dissolved.
- k. Be subject to the management requirements outlined in Mitigation Measure BR-16.3 (Develop and implement a Habitat Mitigation and Monitoring Plan for mitigation lands).

If lands acquired or protected for the compensation of permanent impacts to San Joaquin kit fox (MM BR-17.2) and/or vegetative communities (MM BR-1.4) contain similar sized populations of the impacted special-status plant species, of equal or greater habitat value, these mitigation lands may be used to achieve the required compensation ratios for special-status plant species.

Documentation of recorded easement(s) shall be submitted to the County, for review and approval, **prior to the issuance of the construction permit**. Verification of having met habitat mitigation requirements shall be reviewed and approved **prior to final inspection**.

71. **MM BR-20.1 - Complete focused pre-construction surveys for silvery legless lizards, coast horned lizard and San Joaquin coachwhip and implement avoidance measures.** The Applicant shall retain a County-approved biologist to conduct pre-construction surveys immediately **prior to ground disturbance** (i.e., the morning of the commencement of). If legless lizards, coast horned lizards or San Joaquin coachwhips are found within the area of disturbance the biologist will relocate the animals to a pre-approved location outside the project or work area. The candidate locations for species relocation will be identified **prior to construction** and based on the size and type of habitat present, the potential for negative interactions with resident species, and species range. A final report identifying the number of animals moved, any mortality identified during the relocation event, and the general health of the species shall be completed and submitted to the County on a monthly basis.

During construction, compliance will be verified by the County Environmental Monitor.

72. **MM BR-21.1 - Complete focused pre-construction western spadefoot toad surveys and implement avoidance measures.** Prior to the commencement of construction activities and during construction the County Environmental Monitor shall verify that the County-approved biologist (herpetologist) has completed the following:

- a. Conduct a pre-construction survey within and around areas of proposed disturbance during the appropriate time of year when this species can be detected (i.e., during periods of suitable rainfall that result in pooling or the formation of other aquatic habitat) to determine the presence of western spadefoot toad and related habitat.
- b. Should toads and habitat be found, and be impacted by temporary and/or permanent project impacts, a habitat restoration and management plan shall be prepared for review and approval by the County, that addresses the following:
 - i. Impacted occupied breeding habitat to be replaced, onsite, at a 2:1 ratio.
 - ii. Relocation areas shall be designed as suitable toad habitat, and as far away as feasible from any project-related structure or foreseeable construction area (minimum 250-foot buffer from construction activities).
 - iii. Terrestrial habitat surrounding the proposed relocation site shall be as similar in type, aspect, and density to the location of the existing ponds as feasible.
 - iv. No site preparation or construction activities shall be permitted within 250 feet of any occupied ponds until the design and construction of the relocation habitat in preserved areas of the site has been completed and all western spadefoot toad adults, tadpoles, and egg masses detected are moved to the created pool habitat.
 - v. Restoration areas shall be monitored and maintained until they are shown as successful habitat for the toad, or up to five years. Success criteria shall be proposed. Provisions to make adjustments to remediate problems shall also be included.
 - vi. The plan shall include permanent protection and management of restoration areas (e.g., open space easement or fee title purchase, etc.).

Annually, for the duration of construction activities and based on appropriate rainfall and temperatures (generally between the months of February and April) the biologist shall conduct a series of pre-construction surveys in all appropriate vegetation communities within the project footprint. Surveys will include evaluation of all previously documented occupied areas and a reconnaissance level survey of the remaining natural areas of the site. All western spadefoot adults, tadpoles, and egg masses encountered shall be collected and released in the identified/created restoration ponds described above.

Prior to issuance of a construction permit, this provision shall be shown on all applicable construction plans.

73. **MM BR-22.1 - Complete focused pre-construction burrowing owl surveys and implement avoidance measures.** No more than 15 days prior to the commencement of initial ground disturbing activities for each phase (construction of each solar array) of the project, the Applicant shall implement focused pre-construction reconnaissance level surveys for burrowing owls. Surveys shall be conducted prior to the initiation of ground disturbance and be conducted by a County-approved biologist(s), knowledgeable about the species. In conformance with federal and State regulations regarding the protection of raptors, surveys for burrowing owls shall be conducted in conformance with

the California Burrowing Owl Consortium's 1993 protocols, which are recommended by the CDFG and consist of a minimum of one site visit. If owls are present or active burrows are found then, per the protocols noted above, a minimum of four additional site visits will be required to document the on-site population. Surveys shall be completed within all areas proposed for ground disturbance and shall include the following avoidance measures:

- a. Occupied burrows shall not be disturbed during the nesting season (1 February through 31 August) unless a County-approved biologist approved by CDFG verifies through non-invasive methods that either the birds have not begun egg-laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls present onsite after 1 February will be assumed to be nesting unless evidence indicates otherwise. This protected buffer area will remain in effect until 31 August, or based upon monitoring evidence, until the young owls are foraging independently or the nest is no longer active.
- b. Unless otherwise authorized by CDFG and the County, a 250-foot buffer, within which no activity will be permissible, will be maintained between Project activities and nesting burrowing owls during the nesting season. This protected area will remain in effect until 31 August or based upon monitoring evidence, until the young owls are foraging independently. For burrowing owls present during the non-breeding season (generally 1 September to 31 January), a 150-ft buffer zone will be maintained around the occupied burrow(s).
- c. If there is any danger that owls will be injured or killed as a result of construction activity, during the non-breeding season, the birds may be passively relocated. Relocation of owls during the non-breeding season will be performed by a County-approved biologist using one-way doors, which should be installed in all burrows within the impact area and left in place for at least two nights. These one-way doors will then be removed and the burrows backfilled immediately **prior to the initiation of grading**. To avoid the potential for owls evicted from a burrow to occupy other burrows within the impact area, one-way doors will be placed in all potentially suitable burrows within the impact area when eviction occurs.
- d. Any damaged or collapsed burrows will be replaced with artificial burrows in adjacent habitat at a 2:1 ratio.

During construction, compliance will be verified by the County Environmental Monitor.

74. **MM BR-22.2 - Compensate for impacts to burrowing owl.** Compensatory mitigation for permanent impacts to burrowing owls or their habitat will be provided in the form of habitat preservation and management. The habitat (which may include preservation areas within the undisturbed areas of the project site, mitigation lands outside of the site or a combination of both) must not already be public land under resource protection and shall be preserved and managed in perpetuity. The mitigation lands will be of equal or greater habitat quality compared to the impacted habitat. In accordance with California Burrowing Owl Consortium (1995) guidelines, an area of 6.5 acres per pair will be preserved and managed for this species. This mitigation may occur on lands used simultaneously as mitigation for impacts to other species, such as special-status plants, San Joaquin kit fox, giant kangaroo rat or San Joaquin antelope squirrel.

Habitat shall be preserved through the use of permanent open space easements. Mitigation lands cannot be located on land that is currently publicly held for resource

protection. Mitigation lands may include (depending on the habitat requirements of particular species):

- a. Areas outside the project boundary, but within the Carrizo Plain;
- b. Preservation areas within portions of the project site that are at least 100 feet from solar facilities and are either (1) not permanently impacted by construction and operation of the project, or (2) are temporarily disturbed and then restored according to the requirements in Mitigation Measure BR-1.3; and
- c. Degraded areas (e.g., areas that have been actively dry-farmed) that are restored to high quality habitat through the implementation of a County-approved restoration plan.

Criteria for appropriate mitigation land are species-specific; however, the following factors must be considered in assessing the quality of potential mitigation habitat: (1) Current land use; (2) Location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to solar facilities or other potential sources of disturbance); (3) Vegetation composition and structure; (4) Slope; (5) Soil composition and drainage; and (6) Level of occupancy or use by relevant species.

The Applicant shall either donate open space easements or provide funds for the acquisition of open space easements to a "qualified open space easement holder" (defined below). The California Department of Fish and Game (CDFG) is a qualified open space easement holder. To qualify as a "qualified open space easement holder" a private land trust must have:

- d. Substantial experience managing open space easements that are created to meet mitigation requirements for impacts to special-status species;
- e. Adopted the Land Trust Alliance's Standards and Practices; and
- f. A stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed open space easement holder meets these requirements.

The Applicant shall also be responsible for the following: (1) Administrative costs incurred in the creation of the open space easement (appraisal, documenting baseline conditions, etc.) and (2) Funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the open space easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the open space easement holder in consultation with the County.

Open space easement(s) shall also be subject to the following:

- g. The locations of acceptable open space easement(s) shall be developed with approval of CDFG and USFWS.
- h. The primary purpose of the open space easement(s) shall be conservation of impacted species and habitats, but the open space easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species.
- i. Be held in perpetuity by a qualified open space easement holder (defined above).
- j. Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Contain a succession clause for a qualified easement holder if the original holder is dissolved.
- k. Be subject to the management requirements outlined in Mitigation Measure BR-16.3 (Develop and implement a Habitat Mitigation and Monitoring Plan for mitigation lands).

Documentation of recorded easement(s) shall be submitted to the County, for review and approval, **prior to the issuance of the construction permit**. Verification of having met habitat mitigation requirements shall be reviewed and approved **prior to final inspection**.

75. **MM BR-25.1 - Complete focused pre-construction surveys for American badger surveys and implementation of avoidance measures.** No more than 30 days prior to the commencement of construction activities, the Applicant shall retain a County-approved biologist to conduct pre-construction surveys for American badger within suitable habitat on the project site. If present, occupied badger dens shall be flagged and ground-disturbing activities avoided within 50 feet of the occupied den. Maternity dens shall be avoided during pup-rearing season (15 February through 1 July) and a minimum 200-foot buffer established. The extent of buffers shall be flagged in the field utilizing a method highly visible by construction crews. Buffers may be modified with the concurrence of the CDFG. Maternity dens shall be flagged for avoidance, identified on construction maps, and a biological monitor shall be present during construction to monitor for adequate protection of all identified dens and to ensure that all flagging is kept in good working order.

If avoidance of a non-maternity den (impacts to maternity dens is not allowed) is not feasible, badgers shall be relocated by slowly excavating the burrow (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 1 July). Any passive relocation of badgers shall occur only after consultation with the CDFG and the biological monitor.

Prior to the final County inspection or occupancy, whichever comes first, a written report documenting all badger related activities (e.g. den flagging, monitoring, badger removal, etc.) shall be provided to the County of San Luis Obispo. A copy of the report will also be provided to the CDFG.

During construction, compliance will be verified by the County Environmental Monitor.

76. **MM BR-27.1 - Conduct pre-construction maternity colony or hibernaculum surveys for sensitive bats.** No more than 15 days prior to grading near or the removal of towers, trees or other structures, the Applicant shall retain a County-approved biologist, to conduct pre-construction surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.

If active maternity roosts or hibernacula are found, the structure, tree or tower occupied by the roost shall be avoided (i.e., not removed), if feasible. If avoidance of the maternity roost is not feasible, the biologist shall survey (through the use of radio telemetry or other

CDFG methods) for nearby alternative maternity colony sites. If the biologist determines in consultation with the CDFG and County that there are alternative roost sites used by the maternity colony and young are not present then no further action is required, and it will not be necessary to provide alternate roosting habitat. (i.e., MM BR-27.2 would not apply although MM BR-27.3 would still apply). However, if there are no alternative roosts sites used by the maternity colony, MM BR-27.2 is required. If no active roosts are found, then no further action is required. If active maternity roosts are absent, but a hibernaculum (i.e., a non-maternity roost) is present, then MM BR-27.2 is not necessary, but MM BR-27.3 is required.

During construction, compliance will be verified by the County Environmental Monitor.

77. **MM BR-27.2 - Provide substitute roosting habitat.** If a maternity roost will be impacted by the project, and no alternative maternity roosts are in use near the site, substitute roosting habitat for the maternity colony shall be provided on, or in close proximity to, the project site no less than three months prior to the eviction of the colony. Alternative roost sites will be constructed in accordance with the specific bats requirements in coordination with CDFG. By making the roosting habitat available prior to eviction (MM BR-27.3), the colony will have a better chance of finding and using the roost. Alternative roost sites must be of comparable size and proximal in location to the impacted colony. The CDFG shall also be notified of any hibernacula or active nurseries within the construction zone.

If construction of alternative roost sites is required, the biologist shall provide a written report, documenting the required coordination with CDFG as well as the location of roost sites. This report shall be provided to the County and CDFG.

During construction, compliance will be verified by the County Environmental Monitor. The Applicant shall submit a written report detailing activities to the County **prior to final County inspection**.

78. **MM BR-27.3 - Exclude bats prior to eviction from roosts.** If non-breeding bat hibernacula are found in structures, towers or trees scheduled to be removed, the individuals shall be safely evicted, under the direction of a County-approved biologist, by opening the roosting area to allow airflow through the cavity or other means determined appropriate by the bat biologist (e.g., installation of one-way doors). In situations requiring one-way doors, a minimum of one week shall pass after doors are installed and temperatures should be sufficiently warm for bats to exit the roost because bats do not typically leave their roost daily during winter months in southern coastal California. This action should allow all bats to leave during the course of one week. Roosts that need to be removed in situations where the use of one-way doors is not necessary in the judgment of the County-approved biologist shall first be disturbed by various means at the direction of the bat biologist at dusk to allow bats to escape during the darker hours, and the roost tree shall be removed or the grading shall occur the next day (i.e., there shall be no less or more than one night between initial disturbance and the grading or tree removal).

If an active maternity roost is located in an area to be impacted by the project, and alternative roosting habitat is available, the demolition of the roost site must commence before maternity colonies form (i.e., prior to 1 March) or after young are flying (i.e., after 31 July) using the exclusion techniques described above.

During construction, compliance will be verified by the County Environmental Monitor.

79. **MM BR-31.1 - Prepare and implement a pronghorn friendly fencing plan.** Prior to the issuance of a construction permit the Applicant shall submit for County approval a Project Fencing Plan to the County Department of Planning and Building for approval. The

plan shall apply to existing ranch fences that may not be removed as part of the project and any future fencing proposed in areas outside of the fenced solar arrays (Figures Ap.2-5 and Ap.2-6 of the FEIR), but within the Proposed Project site. The intent of the plan is to ensure that any existing and future fencing (aside from the security fencing) has been developed to allow for movement of pronghorn antelope through the project site. The plan shall include, at a minimum, the following:

- a. Identification and maintenance of likely and feasible movement pathways.
- b. Removal of non-essential interior fencing.
- c. Incorporation of measures to increase visibility of the fence (e.g., top strand PVC cover, vinyl markers on all strands, etc.), as appropriate.
- d. Discussion of incorporation of alternatives to wire fencing, such as wooden rail fences with occasional dropped rails for wildlife access or adjustable fencing to allow for seasonal wildlife passage.
- e. Incorporation of fencing modifications designed to enable movement by pronghorn antelope through the designed movement pathways on the Project site.
- f. Placement of wildlife crossing signs at specific locations along the Highway 58 corridor to alert drivers of the potential to encounter wildlife crossing the road.

During construction, compliance will be verified by the County Environmental Monitor.

80. **MM BR-35.1 - Establish Fencing Plan to create fence removal or modification incentives.** Prior to the issuance of a construction permit, the Applicant shall submit for County approval a Fencing Plan that has been developed to facilitate the removal or modification of at least 10 miles of fences within the Carrizo Plain region. The Plan will consider all areas adjacent to and between the Topaz Solar Farm Project and CVSR Project sites that may pose barriers to movement for pronghorn antelope and tule elk, and may also include other areas in the Carrizo Plain where such barriers exist. Because the Plan would consider areas on private lands land owner permission would be required for implementation. If lands proposed for compensation for habitat impacts have fencing that is not wildlife friendly, removal or modification of fences within compensation land will be implemented to meet the requirements of this Fencing Plan. The Plan shall be reviewed by the County (in consultation with CDFG) and include at a minimum the following measures, as allowed and appropriate:

- a. Identification of likely and feasible movement pathways.
- b. Removal of non-essential fencing.
- c. The modification of fencing to replace barbed with smooth wire on the lower and potentially upper wires of the fence. Incorporation of measures to increase visibility of the fence (e.g., top strand PVC cover, vinyl markers on all strands, etc.).
- d. Discussion of incorporation of alternatives to wire fencing, such as wooden rail fences with occasional dropped rails for wildlife access or adjustable fencing to allow for seasonal wildlife passage.
- e. The placement of fencing at potential risk areas to encourage movement away from dangerous road crossings.
- f. Signage to warn vehicles of wildlife passage.
- g. Installation of watering sites.

Landowners who receive funds for removing and/or modifying fencing shall sign contracts agreeing not to revert to previous fencing without consulting the County.

Prior to final inspection the County Environmental Monitor shall verify that the approved plan has been implemented.

CULTURAL RESOURCES

81. **MM CR-2.1 - Unanticipated Discovery Plan.** Sixty days prior to ground disturbance activities, the Applicant shall submit to the County an Unanticipated Discovery and Monitoring Plan for review and approval. The plan shall be prepared by a County-qualified archaeologist and shall outline the processes of notification, evaluation, and actions to be taken should unanticipated cultural resources be found during construction. The plan shall explicitly state that if previously undiscovered cultural resources, such as lithic debitage or groundstone, shell midden, historic debris, building foundations or human remains are exposed during construction, all ground-disturbing activities shall immediately be halted at the discovery site and within 100 feet of it. Work shall be stopped until the discovery has been evaluated by a professional archaeologist and appropriate agencies have been notified. If the discovery is recommended as eligible for listing in the California Register, impacts shall be mitigated per the actions specified in the plan, which may include archaeological excavations and/or monitoring.

Implementation of this mitigation measure would prevent destruction or loss of previously undiscovered cultural resources during construction activities that could inadvertently expose such resources.

The County Environmental Monitor shall verify implementation of the Plan **during construction.**

82. **MM CR-2.2 - Sensitivity Training for Construction Personnel.** Two weeks prior to commencement of disturbance activities, the Applicant shall provide training to construction personnel. The training shall include onsite avoidance requirements and the procedures for reporting any sensitive resources that may be discovered during project-related ground disturbance. The training program would explain the potential for exposing cultural resources, including prehistoric and historic resources, during construction; the locations of potentially sensitive areas; protocols to treat unexpected discoveries; and the importance of cultural resources to the Native American community. Proper training of construction personnel would lessen the potential for disturbance of known and undiscovered cultural resources during daily activities. This training shall also be performed at least once a quarter during the project construction period or sooner as needed for new construction personnel. New personnel shall not be onsite without training or without supervision from a trained worker. The Applicant shall submit proof of this training on a quarterly basis to the Environmental Monitor.

During construction, the County Environmental Monitor shall verify compliance with approved plan.

CULTURAL-PALEONTOLOGICAL RESOURCES

83. **MM PA-1.1 - Paleontological Monitoring and Treatment Plan.** Prior to construction permit issuance, the Applicant shall retain a County-approved paleontologist to prepare a Paleontological Monitoring and Treatment Plan (Plan), and submit the plan to the County for review and approval. The plan shall be based on Society of Vertebrate Paleontology (SVP) guidelines and meet all regulatory requirements. The County-approved paleontologist shall have a Master's Degree or Ph.D. in paleontology, shall have

knowledge of the local paleontology, and shall be familiar with paleontological procedures and techniques. The Plan shall identify construction impact areas of moderate to high sensitivity for encountering potential paleontological resources and the shallowest depths at which those resources may be encountered. The Plan shall detail the criteria to be used to determine whether an encountered resource is significant, and if it should be avoided or recovered for its data potential. The Plan shall also detail methods of recovery, preparation and analysis of specimens, final curation of specimens at a federally accredited repository, data analysis, and reporting.

The Plan shall outline a coordination strategy to ensure that a County-approved paleontological monitor will conduct full-time monitoring of all grading activities in the "deeper" sediments determined to have a moderate to high sensitivity. For sediments of low or undetermined sensitivity, the Plan shall determine what level of monitoring is necessary. Sediments with no sensitivity will not require paleontological monitoring.

The Plan shall define specific conditions in which monitoring of earthwork activities could be reduced and/or depth criteria established to trigger monitoring. These factors shall be defined by the project paleontological resource specialist, following examination of sufficient, representative excavations.

The Plan shall additionally require that all monitoring will be completed by qualified individuals, and that all on-site monitors will have the authority to stop or otherwise divert grading activities away from exposed fossils until such finds are appropriately assessed and recovered.

During construction, the County Environmental Monitor shall verify compliance with approved Plan.

84. **MM PA-1.2 - Paleontology Construction Monitoring.** Based on the Paleontological Monitoring and Treatment Plan (Mitigation Measure PA-1.1, Paleontological Monitoring and Treatment Plan), the Applicant shall conduct full-time monitoring during rough grading and for areas with cuts greater than 12 inches below existing soil by a County-approved paleontological monitor in areas determined to have moderate to high paleontological sensitivity. Sediments of low, marginal undetermined sensitivity shall be monitored by a County-approved paleontological monitor on a part-time basis (as determined by the County-approved Paleontologist).

The Qualified Monitor shall have a B.A. in Geology or Paleontology and a minimum of one year of paleontological monitoring experience in local or similar sediments. Construction activities shall be diverted when data recovery of significant fossils is warranted, as determined by the County-approved Paleontologist.

During construction, as applicable, compliance will be verified by the County Environmental Monitor.

GEOLOGY, MINERAL RESOURCES, AND SOILS

85. **MM GE-1.1 - Conduct landslide survey and protect against slope instability.** A landslide survey in the hillside areas adjacent to and within the southwestern portions of the site shall be conducted to allow for identification of specific areas with the potential for unstable slopes, landslides, earth flows, and debris flows within and adjacent to areas of planned construction of solar arrays and other areas of ground disturbance, such as access roads and staging areas. The landslide survey shall evaluate subsurface conditions, identify potential hazards, and provide information for the refinement of grading plans and procedures in these areas. If the results of the landslide survey indicate the

presence of unstable slopes at or adjacent to Project structures, appropriate support and protection measures shall be designed and implemented to maintain the stability of slopes adjacent to newly graded or re-graded access roads, work areas, and Project structures during and after construction, and to minimize potential for damage to Project facilities. These design measures shall include, but are not limited to, retaining walls, visqueen, removal of unstable materials, and avoidance of highly unstable areas. The Applicant shall document compliance with this measure by submitting a report to County of San Luis Obispo, Department of Planning and Building for review **at least 30 days prior to final Project design**. The report shall document the investigations and detail the specific support and protection measures that will be implemented.

During construction, the Environmental Monitor shall verify that approved sedimentation and erosion control measures relating to wind erosion have been installed or are being incorporated during the construction phase.

86. **At the time of application for construction permits**, the Applicant shall submit a drainage plan for review and approval by the County Public Works Department. The plan shall contain, at a minimum:
- a. Limits of the 100 year flood inundation and any other flood hazard combining designation information.
 - b. Complete drainage calculations for county Public Works review and approval.
 - c. Retention / Detention of drainage in an on-site basin, if required, designed in accordance with county standards and approved by the county Public Works.
 - d. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
 - e. Permanent erosion control devices shall be installed **prior to or concurrently with on-site grading activities**.
 - f. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
 - g. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
87. **Stormwater Pollution Prevention Plan. Prior to issuance of construction permits**, the Applicant shall provide the County evidence that a stormwater pollution prevention plan for construction has been prepared meeting RWQCB standards.

HAZARDS & HAZARDOUS MATERIAL

88. **MM HZ-1.1 - Develop and implement site-specific spill response plan. Prior to construction permit issuance**, the Applicant shall submit to the County for review and approval a site-specific spill response plan that shall include the following elements:
- a. **General information:**
 - i. Name and location of facility
 - ii. Description of facility operations
 - iii. General manager and emergency coordinator names and phone numbers (home, work, pager, and mobile contact information)

- iv. Description of what is stored at the facility (contents and volume)
- v. Site diagram showing:
 - ❖ Hazardous materials storage areas
 - ❖ Drains (storm and sanitary)
 - ❖ Surface waters
 - ❖ Buildings
 - ❖ Surrounding neighborhood
- b. **Prevention:** A description of prevention measures to be taken at the project site, such as secondary containment, employee training, and proper storage. Products shall be kept in their original containers with the original manufacturer's label and resealed when possible, and the manufacturer's recommendation for proper disposal shall be followed. The site superintendent shall perform routine inspections to ensure that all materials onsite are being stored and disposed of in an appropriate fashion.
- c. **Preparedness:** A description of the planned onsite equipment for spill response and its location. Spill clean-up materials and equipment appropriate to the type and quantity of hazardous materials shall be located onsite and personnel made aware of their location. Key employees shall be trained in spill response procedures in accordance with local, State, and federal regulations. Material safety data sheets (MSDSs) shall be kept onsite during construction and operation of the solar farm. Spill response materials including brooms, dust pans, mops, rags, gloves, absorbent pads//, sand/absorbent litter, sawdust, and plastic and metal containers will be kept onsite. The spill response plan shall also specify:
 - i. The Applicant's health and safety training plan, Department of Transportation–required training, and spill response training
 - ii. Local, State, and federal regulatory agency reporting procedures and phone numbers, as well as emergency response contractor contact information and local hospital contact information
- d. **Response Procedures:** An outline of emergency response procedures, including physical spill clean-up procedures, reporting requirements, and stabilization techniques. Spill guidelines shall include the following:
 - i. All spills shall be immediately cleaned up upon discovery
 - ii. The spill area shall be kept well ventilated and personnel shall wear the appropriate protective clothing to prevent injury when cleaning up a spill
 - iii. Reportable quantities of spills of hazardous materials shall be reported to the appropriate local, State, and federal authorities
 - iv. All vehicles leaking oil or fluids shall be scheduled for maintenance, and drip plans shall be placed under the leak when parked prior to the maintenance event
- e. **Transformer Oil:** A description of spill prevention and response measures for transportation of substation transformer oil to and from the project site. Spill guidelines shall include the following:
 - i. The transformer oil transportation route shall be mapped with all navigable or potentially navigable waters adjacent to or perpendicular to the route
 - ii. A list of contact information for the appropriate local, State, and federal authorities shall be located in the transportation vehicle(s) at all times

- iii. Transformer oil spills during transportation shall be immediately reported to the appropriate local, State, and federal authorities

The spill response plan shall be implemented during both construction and operation. In addition, during the life of project operation, the project shall not use any hazardous materials not specified in the plan or in greater quantities than specified, unless approved in advance by the County Environmental Health Services Division and the County Department of Planning and Building.

During construction, the County Environmental Monitor shall work with the Environmental Health Division to verify that the approved Spill Response Plan is followed or incorporated. Environmental Health Division to verify compliance post-construction.

89. **MM HZ-1.2 - Develop and implement a hazardous materials business plan. Prior to issuance of the construction permit**, in accordance with the California Health and Safety Code, the Applicant shall prepare a hazardous materials business plan and submit it to the County Environmental Health Services Division for review and approval. The hazardous materials business plan shall delineate hazardous material and hazardous waste storage areas; describe proper handling, storage, and disposal techniques; describe methods to be used to avoid spills and minimize impacts in the event of a spill; describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction; and establish public and agency notification procedures for spills and other emergencies, including fires. The Applicant shall provide the hazardous materials business plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times.

During construction, the County Environmental Monitor shall work with the Environmental Health Division to verify that the approved Plan is followed or incorporated. Environmental Health Division to verify compliance post-construction.

90. **MM HZ-1.3 - Develop and implement a hazardous waste management plan. Prior to issuance of the construction permit**, the Applicant shall prepare a hazardous waste management plan to ensure proper storage, transport, and disposal of hazardous waste generated at the project site during construction and operation. The Applicant shall submit the plan to the County Environmental Health Services Division for review and approval. At a minimum, the hazardous waste management plan shall address:

- a. Waste determination (22 CCR §66262.11);
- b. On-site container/tank management (22 CCR §66265.171 - .191);
- c. Proper disposal (22 CCR §66266.3, HSC §25250.4);
- d. Accumulation times (22 CCR §66262.34);
- e. Contingency plans (22 CCR §66265.50); and

The plan shall comply with all future revisions and updates to the regulations cited in this condition.

During construction, the County Environmental Monitor shall work with the Environmental Health Division to verify that the approved Plan is followed or incorporated. Environmental Health Division to verify compliance post-construction.

91. **MM HZ-1.4 - Develop and implement spill prevention, control, and countermeasures plans. Prior to issuance of the construction permit**, the Applicant shall prepare a spill prevention, control, and countermeasures plan for the storage and use of transformer oil, gasoline, or diesel fuel at the site in quantities of 660 gallons or greater. The plans shall

include design features of the project that will contain accidental releases of petroleum and vegetable oil products from onsite fuel tanks and transformers. The plans shall be submitted in advance to the U.S. Environmental Protection Agency, the California Environmental Protection Agency, and the County Environmental Health Services Division for their review and approval **prior to permit issuance for construction-related elements** (e.g., motor vehicle fuel), and 30 days **prior to energizing the project or final Inspection**, whichever comes first, for operational elements (e.g., substation transformer oil).

During construction, the County Environmental Monitor shall work with the Environmental Health Division, in consultation with U.S. Environmental Protection Agency, and the California Environmental Protection Agency, to verify that the approved Plan is followed or incorporated. Environmental Health Division to verify compliance post-construction.

92. **MM HZ-1.5 - Use licensed herbicide applicator.** During the construction and operational phases of the project, the contractor or personnel applying herbicides shall have all the appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use. Herbicides shall be mixed and applied in conformance with the product manufacturer's directions. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets (MSDSs) for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and waterbodies, herbicides shall not be applied directly to wildlife, products identified as non-toxic to birds and small mammals shall be used if nests or dens are observed, and herbicides shall not be applied within 50 feet of any surface waterbody when water is present. Herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water. Herbicides shall not be applied when wind velocity exceeds 10 miles per hour. If spray is observed to be drifting to a non-target location, spraying shall be discontinued until conditions causing the drift have abated.

Prior to any herbicide application, the herbicide applicator shall contact the County Environmental Monitor to show where work will be done and to receive information/ training about potentially sensitive biological resources that may be within the area to be sprayed and methods to apply to minimize those impacts. **Prior to construction permit issuance**, a Worker's Training Manual shall be prepared for the County Environmental Monitor's review that includes a provision on herbicide application. Once facility operation commences, this Manual shall be given to any herbicide applicator and followed prior to spraying.

93. **MM HZ-1.6 - Ensure proper disposal or recycling of photovoltaic modules and support structures.** **Prior to construction permit issuance**, the Applicant shall submit a recycling and disposal plan for photovoltaic modules and support structures for County review and approval that includes project construction, operations, and decommissioning, in order to ensure that project components would not pose a risk to human health or the environment **during construction and operation and after project decommissioning**. The plan shall specify how these project components will be disposed of in a manner that will not pose a risk to human health or the environment, and how the recycling and disposal shall comply with applicable federal and state law. Specifically, broken and end of project life PV modules and support structures shall be:

a. Handled in a manner that is protective of human health and the environment.

- b. Stored on-site in a manner that complies with federal and state law applicable at that time.
- c. Stored on-site no longer than allowed by federal and state law applicable at that time.
- d. All end-of-life solar modules will be recycled in the United States through First Solar's Module Collection and Recycling Program.
- e. All other end-of-life project components, such as support structures and electrical equipment, shall be either recycled or disposed of in the United States in accordance with federal and state law applicable at that time.
- f. All end-of-life project components will be transported from the project site to the recycling or disposal facilities in accordance with federal and state law at that time.

At the request of the County and within two weeks of the formal request, the project owner shall provide documentation to the County, in the form of the most recently completed third party audit of the funding status of First Solar's Module Collection and Recycling Program, to provide assurance that funding will be available to cover the removal and recycling of photovoltaic modules. Such third party audits shall be no more than 24 months old at the time of submittal to the County. The project owner shall be responsible for funding the cost of recycling of the modules if it is discovered that the First Solar module recycling funding instrument has become insolvent, with the Applicant responsible to provide a new fully funded instrument for module recycling within one year of the determination of the First Solar funding instrument becoming insolvent or inadequate. Regardless of the status of the module recycling funding instrument, as will be indicated in the Project recycling and disposal plan, the project owner shall be responsible for the proper recycling of PV modules and proper recycling or disposal of the other end-of-life project components during construction, operation, and decommissioning in compliance with applicable federal and state law.

The County Department of Planning and Building will ensure that the solar module recycling program funding remain adequate **through the life of the project** through the completion of discretionary reviews of annual third party audits of the First Solar module recycling fund and reviews of the operating status of the PV module recycling facilities.

- 94. **MM HZ-4.1 - Notify California Valley Airport.** Prior to commencement of construction activities, the Applicant shall send written notice to the California Valley Airport of the Proposed Project explaining that pilots of aircraft flying into and out of the airport could potentially experience distracting flashes of reflected light while flying in the immediate vicinity of the Proposed Project and to proceed with caution. The Applicant shall submit documentation of compliance to the County Department of Planning and Building **prior to commencement** of panel installation at the Project site.
- 95. **MM HZ-5.1 - Develop and implement a fire protection plan.** Prior to construction permit issuance, the Applicant shall develop and implement a fire protection plan for use during construction and operation. The Applicant shall submit the fire plan, along with maps of the project site and access roads, to the California Department of Forestry and Fire Protection/San Luis Obispo County Fire Department for review and approval prior to the start of construction. The fire safety plan shall contain notification procedures and emergency fire precautions including, but not limited to, the following:
 - a. All internal combustion engines, stationary and mobile, shall be equipped with spark arresters. Spark arresters shall be in good working order.

- b. Light trucks and cars with factory-installed (type) mufflers shall be used only on roads where the roadway is cleared of vegetation. Said vehicle types shall maintain their factory-installed (type) muffler in good condition.
- c. Fire rules shall be posted on the project bulletin board at the contractor's field office and areas visible to employees.
- d. Equipment parking areas and small stationary engine sites shall be cleared of all extraneous flammable materials.
- e. Personnel shall be trained in the practices of the fire safety plan relevant to their duties. Construction and maintenance personnel shall be trained and equipped to extinguish small fires in order to prevent them from growing into more serious threats.
- f. Applicant shall make an effort to restrict use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to outside of the official fire season. When the above tools are used, water tanks equipped with hoses, fire rakes, and axes shall be easily accessible to personnel.
- g. Smoking shall be prohibited in wildland areas and shall be limited to paved areas or areas cleared of all vegetation. Smoking shall be prohibited within 30 feet of any combustible material storage area (including fuels, gases, and solvents). Smoking shall be prohibited during a Red Flag Warning issued for the project area.
- h. Vegetation at the Project site shall be managed to maintain dry fuel at a height of 4 to 12 inches, less than 1,050 pounds per acre, measured after grasses have cured. Any landscaped shrubs and trees will be spaced and trimmed to meet the requirements of California Public Resources Code (PRC) 4290, reducing the potential for spread of fire in landscaped vegetation adjacent to structures. To address the Defensible Space requirements of PRC 4291 within 30 feet of buildings and equipment enclosures (e.g. PCS and PVCS boxes), grassland vegetation will be reduced to a height of no more than 4 inches during the dry season (April through October).
- i. During project operation, the approved fire plan shall be implemented.

During construction, the County Environmental Monitor shall work with the Cal Fire/ San Luis Obispo County Fire Department to verify that the approved Plan is followed or incorporated. Cal Fire/San Luis Obispo County Fire Department to verify compliance post-construction.

96. **MM HZ-5.2 - Ensure compliance with Industrial Operations Fire Prevention Field Guide.** During construction and operation, all activities shall comply with the recommendations set forth in the CAL FIRE Industrial Operations Fire Prevention Field Guide (1999), and all subsequent publications of this field guide.

During construction, County Environmental Coordinator will ensure that recommendations are followed during construction.

97. **MM HZ-5.3 - Install electrical safety signage.** Prior to energization or final inspection, whichever occurs first, the Applicant shall install electrical safety signage on all solar arrays in the immediate vicinity of all wiring and on all electrical conduit using weather-resistant and fade-proof materials to provide reasonable notice to project employees and visitors. The purpose of this measure is to reduce the risk of electric shock and fire. Warning signs shall be designed to be evident to any person tampering with, working on, or dismantling project photovoltaic panels. Signs shall read: "CAUTION: Solar PV Wiring May Remain Energized After Disconnection During Daylight Hours. Tampering With

Wiring May Result in ELECTRIC SHOCK or FIRE. Death or Serious Injury May Result. Do Not Expose Wires to Vegetation or Other Flammable Materials."

Prior to final inspection, compliance will be verified by the County Environmental Monitor.

98. **MM HZ-6.1 - Coordinate traffic during emergencies. Prior to construction work commencing**, the Applicant shall designate an Emergency Response Liaison (e.g., onsite construction manager, resident engineer, etc.) to coordinate the reduction of project-related traffic for the duration of any emergency at or nearby the project site. The Carrizo Plain Fire Station/Cal Fire, the San Luis Obispo County Sheriff's Department, and the California Highway Patrol shall be provided with the construction schedule and the onsite contact information for the Liaison **prior to construction**.

At all times during construction, the Liaison shall be immediately reachable. The Liaison shall have radio contact with project construction vehicles at all times to coordinate traffic reduction measures. In addition, the Liaison shall coordinate with the Carrizo Plain Fire Station/Cal Fire, the San Luis Obispo County Sheriff's Department, and the California Highway Patrol to establish emergency procedures for access to the project site in the event of emergency.

Establishment of a Liaison during construction shall be verified by County Department of Planning and Building.

99. **MM HZ-6.2 - Provide helicopter landing areas onsite**. The applicant shall facilitate the use of open space areas around the project for landing areas suitable for emergency helicopters.

Prior to commencement of construction/ground disturbing activities, the Applicant shall:

- a. Implement an employee training program regarding activation of the 911 system and the use of GPS.
- b. Include on the construction plans installation of clear signage at project entrances uniquely identifying each entrance.
- c. Provide project maps to CalFire identifying project entrances and project areas.

During construction, compliance will be verified by the County Environmental Monitor, in consultation with CalFire.

100. **MM HZ-7.1 - Sample and test contaminated soil. During construction** and all ground-disturbing activities, if any construction personnel observe visual or olfactory evidence of contamination or if soil contamination is otherwise suspected, work near the excavation site shall be terminated and the work area cordoned off. Samples shall be collected by an OSHA-trained individual with a minimum of 40 hours hazardous material site worker training. Laboratory data from suspected contaminated material shall be reviewed by the contractor's Health and Safety Officer. If the sample testing determines that contamination is not present, work may proceed at the site. However, if contamination is detected above regulatory limits, the County Environmental Health Services Division shall be notified. All actions related to encountering unanticipated hazardous materials at the site shall be documented and submitted to the County Environmental Health Services Division.

Applicant's Health & Safety Officer shall apprise County Environmental Monitor should contamination incidents arise. When thresholds are exceeded, County Environmental Health Services Division shall verify proper protocol has been followed.

101. **MM HZ-7.2 - Prohibit standing water and trash piles.** During construction and operation, in order to eliminate potential disease vectors at the site, the Applicant shall ensure that trash is stored in closed containers and removed from the site at regular intervals. Open containers shall be inverted and construction ditches shall not be allowed to accumulate water. Construction and maintenance operations shall not generate standing water. Naturally occurring depressions, drainages, and pools at the site shall not be drained or filled without consulting with the appropriate resource agency (San Luis Obispo County, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Game) and obtaining the appropriate permits.

During construction, compliance will be verified by the County Environmental Monitor. Operations manager shall conduct regular inspections, especially after rain events occurring at the beginning of each rainy season.

102. **MM HZ-7.3 - Ensure proper handling of livestock.** Prior to livestock grazing on the project site, to substantially reduce the risk of livestock transmitting anthrax to personnel, the Applicant shall ensure that all personnel are trained to be aware of the risk of naturally occurring anthrax being transmitted to humans from a diseased animal carcass. In addition, the following practices shall be followed:

- a. Only trained livestock handlers shall handle livestock at the project site.
- b. Animal carcass disposal shall follow accepted practice if the death is potentially related to anthrax.
- c. All suspected cases of anthrax shall be immediately reported to the animal's veterinarian, the San Luis Obispo County Agricultural Commissioner, County Planning and the California Department of Food and Agriculture's Animal Health and Food Safety Services – Animal Health Branch.
- d. Livestock carcasses shall be handled only by properly trained livestock handlers, veterinarians, or health officials.
- e. If livestock carcasses must be temporarily stored at the project site overnight, all carcasses shall be covered with thick plastic and secured from being accessed by scavenging wildlife.
- f. Livestock carcasses shall not be temporarily stored on the project site during a rain storm.
- g. Livestock carcasses shall not be allowed to remain unsecured on the project site overnight in order to avoid scavengers and pets opening a potentially diseased carcass.

LAND USE

103. **MM LU-1.1 - Establish construction liaison.** During construction, all ground disturbing activities, and until one year after construction is complete, the Applicant shall provide a toll-free general phone number and the name, and retain a local public liaison. The name and contact information of the public liaison shall be made available to all "potentially affected property owners," including all properties within 1 mile around project boundaries and properties along approved truck haul routes. The toll-free access number and the identified local public liaison shall act as points of contact between

property owners and construction crews. The local public liaison shall be available both in person and by phone, as necessary, for at least 30 days **prior to the start of any construction-related activities** and for up to 6 months following construction. During construction, the local public liaison shall respond to all construction-related questions and concerns as quickly as possible and within 24 hours in any case. Post-construction responses shall be made within one week.

Monthly for the duration of construction, and for one year following the completion of construction, the Applicant shall generate a liaison summary of all comments received and how these issues were addressed. The compliance documentation shall also include the name and address of the person (if known) contacting the local public liaison and the date of contact. The compliance documentation shall be submitted to the County Department of Planning and Building throughout the duration of construction and for one year following construction.

During construction, compliance will be verified by the County Environmental Monitor.

104. **MM LU-1.2 - Provide advance notification of construction.** **Prior to and during construction**, the Applicant shall give at least 30 days advance notice of the start of any construction-related activities to "potentially affected property owners." The notification shall include the toll-free general phone number and contact information for the local public liaison (Mitigation Measure LU-1.1, Establish construction liaison). Notification shall be provided by: (1) mailing notices to all property within a one-mile radius of the project site's boundaries; (2) placing notices in local newspapers; and, (3) posting and maintaining the notice at a centrally located posting site (such as the community center) that can be readily viewed and accessed by local residents. Compliance documentation shall be submitted to the County Department of Planning and Building at least two weeks **prior to the start of construction**.

The Applicant shall provide the Department of Planning and Building with a map and list of all property owners to whom notices were sent **prior to construction**.

105. **MM LU-1.3 - Provide quarterly construction updates.** Following publication/transmittal of the advance notification of construction (Mitigation Measure LU-1.2, Provide advance notification of construction), the Applicant shall provide all "potentially affected property owners" with updates and changes to all of the information provided in the pre-construction notification. The updates shall be provided every quarter for the duration of all construction-related activities in a manner consistent with the notification procedures prescribed in MM LU-1.2 (mailing, newspaper publication and centrally located posting site). The updates shall continue to provide the toll-free number and the name and phone number of the local public liaison to respond to all construction-related questions and concerns. The local public liaison shall continue to respond to all questions and complaints within a 24-hour period during construction and within one week for post-construction activities (Mitigation Measure LU-1.1, Establish construction liaison).

During construction, compliance will be verified by the County Environmental Monitor.

NOISE

106. **MM NS-1.1 - Limit noisy onsite construction activities.** During ground disturbing activities, heavy equipment operation and noisy construction work at the project site shall be restricted to the following hours:

October 1 through May 31 - Monday through Friday 7:00 a.m. to 6:00 p.m.

June 1 through September 30 – Monday through Friday 5:00 a.m. to 9:00 p.m. All construction activities between 5 am and 7 am shall not result in noise exceeding 45 dBA at the perimeter property boundaries.

Saturday and Sunday 8:00 a.m. to 5:00 p.m.

No noisy construction activities within 4,500 feet of the school during school operation.

Every first and third Sunday shall not include any noisy activities. Noisy construction refers to any onsite activity that would be likely to exceed the County's limits for daytime noise levels (maximum noise level of 70 dBA, maximum impulsive noise level of 65 dBA, hourly noise level of 50 dBA Leq) at the project's property line. Onsite 24-hour security/surveillance activities and final electrical connections, commissioning, and energizing during construction, however, are not limited to these hours. When construction will occur within 4,500 feet from a sensitive receptor (such as a residence) outside the project's property line, the Applicant shall monitor continuous noise levels during construction at the project's property line and report monitoring results to the County Environmental Monitor. Should maximum, impulsive, or hourly noise level thresholds be exceeded, all noise-related work shall stop until adequate noise attenuation measures are installed to meet these thresholds. Any measure installed shall remain in good working order during the duration of the noise-making activity. County Environmental Monitor shall review Applicant's reports to verify compliance with these requirements.

During construction, compliance will be verified by the County Environmental Monitor.

107. **MM NS-1.2 - Provide advance notice of construction.** Prior to and during construction, decommissioning and ground disturbing activities, the Applicant shall provide advance notice of construction and decommissioning between two and four weeks prior to construction or decommissioning activities, respectively, to all land owners located within 4,500 feet of the Project boundary, and the Principal of the Carrisa Plains Elementary School. The notices shall be mailed directly to land owners and residents as well as posting signs at the project site in areas accessible to the public. Notices shall also be placed in the local newspapers. Other means of public notification, including providing updates on a project website may also be employed. The announcement shall state where and when construction would occur; provide tips on reducing noise intrusion (e.g., closing windows facing the planned construction); and provide a point of contact for any noise complaints. The Applicant shall provide to the County Environmental Monitor within 48 hours of any complaints received, a report that documents the complaints and the strategy for resolution of any noise complaints. The County Environmental Monitor shall verify implementation of agreed upon strategy.

Prior to construction, compliance will be verified by the County Environmental Monitor on implementation of agreed upon noise attenuation strategy, as applicable.

108. **MM NS-1.3 - Shield primary construction staging area.** Prior to using noisy stationary equipment (e.g., generators, pile drivers) during construction and decommissioning activities, the Applicant or its construction contractor shall install adequate temporary noise barriers such as noise attenuating shields, shrouds, or portable barriers or enclosures around the construction staging areas to reduce noise levels associated with deliveries to these areas and construction equipment staging to meet County thresholds (Daytime maximum noise level of 70 dBA; maximum impulsive noise level of 65 dBA, hourly noise level of 50 dBA Leq) at sensitive receptors outside the project's property line. This measure shall be implemented for construction staging areas located within 4,500 feet of

sensitive receptors outside the project's property line if activities within the construction staging area exceed the County's noise thresholds at the sensitive receptor. The Applicant shall retain a qualified individual to monitor noise levels during construction at the closest residence to the primary construction staging areas and report monitoring results to the County Environmental Monitor. Should maximum, impulsive, or hourly noise level thresholds be exceeded, all noise-related work shall stop until adequate noise attenuation measures are installed to meet these thresholds. Any measure installed shall remain in good working order during the duration of the noise-making activity.

During construction, compliance will be verified by the County Environmental Monitor.

109. **MM NS-1.4 - Implement noise-reducing features and practices to reduce construction noise.** Prior to and during construction, operations, decommissioning, and ground disturbing activities, the Applicant shall employ and clearly specify in its contractors' specifications and operations manuals the following noise-suppression techniques to minimize the impact of temporary noise associated with construction, operations, and decommissioning activities:

- a. Trucks and other engine-powered equipment shall include noise reduction features such as mufflers and engine shrouds that are no less effective than those originally installed by the manufacturer.
- b. Trucks and other engine-powered equipment shall be operated in accordance with posted speed limits and limited engine idling requirements (see Air Quality mitigation measures).
- c. Truck engine exhaust ("jake") brake use shall be limited to emergencies.
- d. Back-up beepers for all construction equipment and vehicles shall be broadband sound alarms or adjusted to the lowest noise levels possible, provided that OSHA and Cal OSHA's safety requirements are not violated. These settings shall be retained for the life of the project. On vehicles where back-up beepers are not available, alternative safety measures such as escorts and spotters shall be employed.
- e. Vehicle horns shall be used only when absolutely necessary, as specified in the contractors' specifications.
- f. Radios and other "personal equipment" shall be kept at the lowest most reasonably effective volume.
- g. Only low noise type pile drivers are allowed onsite.

During construction, the County Environmental Monitor shall work with onsite resident engineer to verify adherence to these measures. If electric vehicles are utilized, the Applicant shall submit to the County Environmental Monitor, upon request, the purchase and maintenance records, including mileage records, for each electric vehicle utilized for the project.

110. **MM NS-4.1 - Use smaller vehicles and/or electric vehicles for security patrols.** During construction and operation, trucks used onsite for routine operational activities, such as security patrols, shall generate noise levels of less than 70 dBA daytime and 65 dBA nighttime at the Project's property line by using automobiles or light trucks, limiting vehicle speeds to 15 miles per hour, or less (except in cases of emergency), and/or using electric vehicles.

The County Environmental Monitor shall work with on-site resident engineer to ensure adherence to this measure. If electric vehicles are utilized, the Applicant shall submit, upon

request, the purchase and maintenance records, including mileage records, for each electric vehicle utilized for the Project to the County Environmental Monitor. Compliance will be verified by the County Department of Planning and Building, in consultation with the Environmental Monitor.

111. **MM NS-4.2 - Limit noisy nighttime maintenance activities.** During project operations, noisy maintenance within 1,000 feet of an occupied residence shall be restricted to Monday through Friday 7:00 a.m. to 9:00 p.m. and Saturday and Sunday 8:00 a.m. to 5:00 p.m. Noisy maintenance activities are those that would be likely to exceed a nighttime maximum noise level of 65 dBA, maximum impulsive noise level of 60 dBA, or a nighttime hourly noise level of 45 dBA Leq at the Project's property line, other than those associated with 24 hour security/surveillance. If noise complaints are received and the maintenance activity is ongoing (i.e., longer than one day in duration at a given location), the County shall monitor noise levels at the Project's property line. Should the County's daytime (7:00 a.m. to 10:00 p.m.) maximum, impulsive, or hourly noise level thresholds be exceeded, all noise-related work shall stop until adequate noise attenuation measures are implemented to meet these thresholds. Any measure installed shall remain in good working order during the duration of the noise-making activity.
112. **Inverter Housing. Prior to final inspection,** the County Environmental Monitor shall verify that all inverters are housed within enclosures to reduce noise, and are compliant with County Noise Ordinance and Element requirements (based on the Final EIR (Section C.11), inverters will need to be at least 100 feet from the perimeter property boundaries to meet the 45dBA threshold). Inverters shall be off and silent after dark.

POPULATION & HOUSING

113. **MM PH-2.1 - Develop and implement Worker Housing Program. Prior to issuance of construction permits,** the Applicant shall coordinate with San Luis Obispo County to develop and implement a Worker Housing Program that could include:
- a. Projection of the peak need for worker housing in relation to San Luis Obispo County's existing demand for temporary accommodations, with particular attention paid to seasonal housing.
 - b. Classification of workers' housing needs based on the duration of their work on the project:
 - i. Hotels, motels, RV parks, and campsites with the ability to accommodate workers for periods of longer than one month shall be identified by coordinating with San Luis Obispo County and the San Luis Obispo and Paso Robles-Atascadero Chambers of Commerce.
 - ii. Real estate agents available to find longer-term housing rentals, mobile homes, and RV parks shall be identified in coordination with San Luis Obispo County and the San Luis Obispo and Paso Robles-Atascadero Chambers of Commerce.
 - c. Development of protocols for the Applicant to reserve or coordinate the reservation of temporary accommodations.
 - d. Recreational campsites and other facilities deemed unsuitable for worker housing shall be identified and the Applicant, through its hiring process, shall subsequently ensure that construction personnel are aware that the Carrizo Plains National Monument camping grounds are available only to CPNM visitors and are prohibited for use as residential support.

- e. Formalization of a free shuttle bus program from San Luis Obispo and Paso Robles–Atascadero to and from the project site, and shall also take workers to specific onsite work areas.
- f. Identification of legally or approved worker camp that could be used for temporary housing such as the one proposed for the California Valley Solar Ranch project or other approved/permitted facility that can accommodate a portion of the project employee needs.

The Applicant shall submit a draft Worker Housing Program, to be approved by the County, **prior to the issuance of construction permits.**

During construction, the County Environmental Monitor shall periodically verify the Applicant's compliance with this program. Should any worker be cited for illegal camping, a copy of this citation will be provided to the Environmental Monitor.

PUBLIC SERVICES

- 114. MM PS-1.1 - Provide and maintain emergency access onsite. Prior to the issuance of construction permits**, the Applicant shall include and maintain the following features in the design of the Topaz Solar Farm, which shall be shown on all applicable construction plans.

- a. For all potentially habitable buildings, one, possibly two interior (as recommended by Cal Fire), fire-rated stairwell access(es) to the roof for structures taller than 16 feet shall be shown on applicable plans;
- b. For all potentially habitable buildings, structure(s) shall be sprinklered as required by current California Fire and local amendment Code requirements;
- c. Provide all-weather access to all potentially habitable buildings (the Operations and Maintenance Building and the Solar Energy Learning Center). For all-weather access roads, the following shall be shown on all applicable plans: adequate widths and vertical clearances shall be provided for fire and life safety vehicles
- d. Due to the long distance to any medical facility, the Applicant shall facilitate emergency response by helicopters by implementing employee training on activation of the 911 system; prepare a plan for signing of project entrances, and submit project maps suitable for use by emergency responders.
- e. Compliance with all requirements in the Commercial Fire Review for DRC2008-00009.

Prior to final inspection, implementation of these measures shall be verified by Cal Fire, in consultation with the County Environmental Monitor, as needed.

During construction, compliance will be verified by the County Environmental Monitor.

- 115. MM PS-1.2 - Sheriff Department Access Review. Prior to the issuance of construction permits**, the San Luis Obispo County Sheriff's Department shall review and provide input on landscape plans and architectural elevations in relation to the following issues: access for patrol vehicles and deputies on-foot, proper illumination of entryways and parking areas.

Prior to final inspection, compliance will be verified by the San Luis Obispo County Sheriff's Department, in consultation with the County Department of Planning and Building.

- 116. MM PS-2.1 - Recycle at least 50 percent of construction waste. Prior to issuance of construction permit**, the list of available recyclers shall be placed on all applicable construction plans. The Applicant, and all successors-in interest, shall provide to all

contractors the list of companies that offer recycling services or drop box services. Collectively, the Applicant and all contractors shall recycle at least 50 percent of waste generated by the project's construction activity. A signed recycling area shall be established on site and maintained in a manner to not attract sensitive wildlife.

Waste includes anything discarded from the site, such as wood scraps, cardboard, flashing, paint or other finishing products, tools, drywall, concrete, asphalt, plastic bags, remnants of insulation, etc. The Applicant shall provide the San Luis Obispo County "Recycling Required at Construction Sites" pamphlet to all contractors **prior to commencement of construction work.**

During construction, compliance will be verified by the County Environmental Monitor.

117. **MM PS-2.2 - Provide documentation of construction and demolition waste recycling.** **Prior to final inspection or occupation, whichever occurs first,** documentation shall be provided to the San Luis Obispo County Department of Planning and Building and Public Works that at least 50 percent (by weight) of the construction or demolition (applies if demolition is 1,000 square feet or larger) waste has been recycled. Failure to comply will result in fines as noted in County Code section 8.12.485.

During construction, compliance will be verified by the County Environmental Monitor, in consultation with Public Works.

RECREATION

118. **MM RC-3.1 - Develop and implement construction-phase CPNM camping restrictions.** At least 90 days **prior to the start of construction,** the Applicant shall contact the CPNM land manager to discuss any restrictions that he or she deems appropriate to restrict or prohibit the project's construction workforce from using the CPNM's camping grounds as a source of temporary housing. The Applicant, through its hiring/contracting process, shall subsequently make its best efforts, as permitted by law, to ensure that construction personnel are restricted or prohibited from using the CPNM camping grounds as identified by the CPNM land manager. Compliance documentation shall be submitted to the County Department of Planning and Building at least 30 days **prior to the start of construction.**

Prior to construction, compliance will be verified by the County Environmental Monitor.

119. **MM-RC-3.2 - Establish CPNM construction liaison.** The Applicant shall give at least 30 days advance notice of the start of any construction-related activities to the CPNM land manager and BLM Bakersfield Field Office. The notification shall include the identification of a designated liaison to act as the primary point of contact and interface for the CPNM during all phases of construction. The construction liaison shall respond to all construction-related questions and concerns communicated by the CPNM within a 72-hour period during construction. As part of its compliance documentation for MM LU-1.1, the Applicant shall submit all questions and concerns expressed by the CPNM, including all actions taken to rectify and/or address these questions and concerns, to the County Department of Planning and Building at one-month intervals for the duration of construction.

Prior to construction, compliance will be verified by the County Environmental Monitor.

TRANSPORTATION

120. **MM TR-1.1 - Prepare and implement traffic control and management plan.** **Prior to construction permit issuance,** the Applicant shall apply for an Encroachment Permit

from Caltrans for implementation of a Traffic Control and Management Plan (TCMP). The TCMP shall, at a minimum:

- a. Implement Truck Option 2 for vehicles exceeding the 30 foot KPRA, as identified in Section C.14 of the FEIR.
- b. Define the locations of project access points and locations of any temporary lane closures;
- c. Identify and make provision for circumstances requiring the use of flag persons, warning signs, lights, barricades, cones, etc. to provide safe work areas in the vicinity of the project site and to warn, control, protect, and expedite vehicular and pedestrian traffic;
- d. Include signage placed along all proposed construction haul routes and alternate haul routes at appropriate intervals notifying drivers of the presence of construction traffic on those roadways;
- e. Identify temporary alternative routes for construction-related truck and shuttle traffic in the event of a temporary closure of the selected construction route;
- f. Include signage placed along the south and north shoulders of Highway 58 at appropriate intervals (as recommended in Part 7 of Traffic Control for School Areas of the California Manual on Uniform Traffic Control Devices) in the vicinity of Carissa Plains Elementary School and McKittrick Elementary School notifying drivers of the school entrance and school traffic;
- g. Prohibit onsite construction activities on the day of the Wildflower Ride during each year of construction. The project Applicant shall coordinate with San Luis Obispo Bike Club in January of each year of construction to determine the date of the Wildflower Ride for that year and shall confirm the date and the prohibition of Project construction activities with the Department of Planning and Building at least 30 days prior to the Wildflower Ride;
- h. Construct standard road connections between Highway 58 and each project entrance;
- i. Place steel rumble plates at project entrances to reduce the potential for gravel, dirt, and debris to enter Highway 58;
- j. Prior to use of the Navajo Creek Mine for construction materials, the Applicant shall construct a standard road connection at the mine's entrance;
- k. Six month prior to project decommissioning, the project owner shall prepare a traffic impact analysis and require mitigation measures, as necessary, to ensure the context and conditions remain conducive to safe and effective truck travel; and
- l. A Shuttle Bus Program shall be established with a goal of 80% ridership. The shuttle bus program shall document ridership by at least 80% of the construction worker traffic, as measured on a three-month, rolling average commencing 60 days after construction start. The program shall achieve these levels of usage through incentives encouraging shuttle ridership. The Applicant shall provide monthly documentation to the San Luis Obispo County Department of Planning and Building of this condition's compliance within 30 days of the end of each calendar month.

The TCMP shall include a Truck and Bus Safety Plan ensuring that:

- m. Pick-up points for worker shuttle buses are selected and identified in coordination with San Luis Obispo Council of Governments staff;

- n. Construction truck deliveries along Highway 41/46 shall be during off peak hours (i.e., trucks traveling via Highway 41/46 must arrive after 10:00 a.m. and depart no later than 3:00 p.m.) and no truck deliveries on weekends;
- o. In the event that construction of the California Valley Solar Ranch occurs concurrently with construction of the Proposed Project and both projects employ the use of escorted convoys through the traffic management area along Highway 58, Topaz trucks shall be staged first in the westbound direction at all times in order to allow them to pass the California Valley Solar Ranch (CVSR) entrance to minimize delays and queuing at the CVSR entrance;
- p. Designated worker pick-up and drop-off areas at the project site are located onsite and do not result in construction-related shuttle buses parking or queuing along Highway 58;
- q. All vendors and suppliers creating construction worker traffic adhere to the prohibition of buses over 40 feet in length on Highway 58;
- r. Drivers of all delivery trucks and passenger buses used for construction worker shuttles shall keep a travel log documenting the arrival and departure times as well as the route traveled from I-5 or U.S. 101 to the project and back to I-5 or U.S. 101. Travel logs for buses shall include the number of passengers per trip. Travel logs shall be made available to the San Luis Obispo County Department of Planning and Building upon request.
- s. The Applicant provides funding for up to two additional CHP units or CHP Commercial Officers to patrol Highway 58 between I-5 and the project site between 8 a.m. and 5 p.m. on weekdays through the entire construction duration. The precise number and timing of additional patrols shall be coordinated with CHP and San Luis Obispo County to adequately address potential safety impacts. (Applicant shall coordinate contribution of fair-share funding [should other development be approved in the area with similar construction traffic needs] for these patrols based on coordination with CHP and San Luis Obispo County.) Verification by CHP that payment has been made shall be **prior to issuance of construction permit**;
- t. All construction truck and bus drivers are: 1) informed of the additional CHP patrols; 2) informed of and required to adhere to the designated traffic haul routes; and 3) subject to an enforcement program that requires drivers that do not adhere to designated haul routes are subject to fines payable to the County of San Luis Obispo.
- u. The Applicant shall implement an outreach campaign (signage, direct mail, website, recorded telephone update line, newspaper notices, etc.) to notify the public of potential delays during times when truck escorts are proposed. Truck escorts would be planned according to a set schedule so that area residents could avoid traveling this portion of Highway 58 during those periods.

The measures included in the TCP shall be consistent with the guidelines outlined in the Standard Specifications for Public Works Construction, the California Manual on Uniform Traffic Control Devices (MUTCD), and the Work Area Traffic Control Handbook (WATCH). Copies of the TCP shall be provided to Caltrans (District 5 and District 6) and the San Luis Obispo County Department of Public Works for approval and issuance of an Encroachment Permit at least 30 days **prior to the start of construction**.

Required elements of the TCMP shall be added to all applicable construction plans and installed **prior to commencement of construction/ground disturbing activities and during construction**, as applicable.

During construction, the County Environmental Monitor shall work with the San Luis Obispo County Department of Public Works and Caltrans Districts 5 and 6 to verify that the approved Plan is followed or incorporated. County Planning to verify compliance **post-construction**.

Compliance with measures to minimize impact on the CPNM visitation shall be verified by the County Environmental Monitor, in consultation with the CPNM Goodwin Education Center. In addition, the County Environmental Monitor shall periodically check for compliance **during construction** during April and May.

121. **MM TR-1.2 - Repair roadway damage.** The Applicant shall be responsible for restoring all public roads, easements, rights-of-way (ROWs) and infrastructure (such as signs, utility poles, and cattle guards) within the public road ROWs that have been damaged due to project-related construction activities or traffic through implementation of a Road Restoration Plan (RRP). Restoration shall be to pre-project condition and undertaken in a timely manner, in consultation and to the satisfaction of San Luis Obispo County and/or Caltrans, as appropriate. At a minimum, the RRP shall:
- a. Provide a video log of the proposed haul route.
 - b. Determine the current Pavement Condition Index (PCI) of the haul route roadways, if required by the County or by Caltrans.
 - c. Identify roadway operational constraints specific to the proposed haul route and provide corrective recommendations to be implemented/funded by the Applicant prior to commencement of construction activities.
 - d. Propose locations to place traffic axle counters to measure project related traffic.
 - e. Identify the funding mechanism for identified roadway upgrades and ongoing maintenance. The proposed energy projects impacting the roadway segments will be responsible for all costs. Should more than one energy project be using the same road within a similar window of time, a cost sharing program shall be developed by the Applicants of each project.
 - f. Identify the frequency (semi-annual or annual) of road inspections during construction and mechanism for investigating complaints related to substantial road damage.
 - g. Ensure all identified operational corrective recommendations, as identified in the RRP, shall be completed **prior to commencement of project-related construction activities** (including gravel roads under jurisdiction of the California Valley Community Services District).

At least 30 days **prior to the start of construction mobilization**, the Applicant shall establish baseline road conditions by photographing, videotaping or otherwise documenting existing conditions of all affected public roads, easements, and ROW segment(s), intersections, as well as cattle guards installed within public rights of way, and shall provide the County of San Luis Obispo and Caltrans (if applicable) with a copy of these documents. The Applicant shall enter into a Roadway Repair agreement with the County Public Works Department, in a form acceptable to County Counsel, secure an Encroachment Permit and post a cash damage bond. Additionally, the Applicant shall identify roadway operational constraints along the proposed haul routes, recommend corrective measures, and secure an encroachment permit to perform the corrective work

to ensure construction vehicles can safely navigate the haul routes without off-tracking or damaging existing infrastructure. All corrective road work shall be completed **prior to the start of mobilization**.

Prior to final inspection or occupancy, whichever occurs first, the Applicant shall meet with the County of San Luis Obispo and Caltrans (if applicable) to review the baseline road conditions and identify sections of public ROW that may have been damaged by the project work forces. At that time, the project owner shall establish a schedule to complete the repairs or compensate the County in accordance with the Roadway Repair Agreement. Following completion/compensation of the identified public ROW repairs, the project owner shall provide a letter to the County of San Luis Obispo Planning Director signed by the County of San Luis Obispo Public Works Director and Caltrans stating their satisfaction with the repairs.

Compliance will be verified by Department of Planning and Building, in consultation with the San Luis Obispo County Department of Public Works and/or Caltrans.

122. **MM TR-2.1 - Coordinate construction traffic with school bus routes (annually). Prior to issuance of the construction permit**, the Applicant shall submit a school bus traffic plan to the San Luis Obispo County Department of Planning for review and approval. The plan shall document coordination with the Atascadero USD and any agreements made to maximize the safety of, and minimize delays to Atascadero USD school buses (currently Routes 4, 5, and 7).

Annually, and no later than July 1 of any given year during project construction, the Applicant shall coordinate with Atascadero USD staff to obtain the school bus route schedule for the upcoming school year, and then if necessary, instruct all construction-related employees, especially truck operators, of the revised hours or routes, and times to avoid these sections of roadways. The Applicant shall submit documentation of coordination and resulting schedule revisions to the Department of Planning and Building.

During construction, compliance will be verified by the County Environmental Monitor, in consultation with Atascadero USD.

WATER RESOURCES

123. **MM WR-1.1 - Groundwater Monitoring and Reporting Plan. Prior to issuance of construction permits**, a Groundwater Monitoring and Reporting Plan shall be prepared by a County-approved geologist or hydrogeologist and submitted by the Applicant to the County for review and approval. The Plan shall provide detailed methodology for monitoring background and site groundwater levels, water quality, and flow. Monitoring shall be performed during pre-construction, construction, and project operation with the intent to establish pre-construction and project-related groundwater level and water quality trends that can be quantitatively compared against observed and simulated trends near the project pumping wells and near potentially impacted existing private wells. The monitoring wells shall include locations up-gradient, lateral, and down-gradient of all project supply wells and a minimum of three offsite down-gradient wells. Water quality monitoring shall include annual sampling and testing for Total Dissolved Solids (TDS), which include minerals, salts, and metals dissolved in water. Water quality samples shall be drawn from project supply wells, one up-gradient well, and a minimum of two down-gradient offsite wells.

The Plan shall include a schedule for submittal of both quarterly (construction only) and annual (construction and operation) monitoring data reports by the Applicant to SLO County. During the project construction period, quarterly water level monitoring data

reports shall be submitted to SLO County Department of Planning and Building for review and approval. In addition, for at least the first 5 years of the project from the initiation of project construction, annual summary reports shall also be submitted to SLO County Department of Planning and Building for review and approval. At a minimum, these annual summary reports shall include:

- a. daily usage, monthly range, and monthly average of daily water usage in gallons per day;
- b. total water used on a monthly and annual basis in acre-feet;
- c. summary of all water level and water quality data; and
- d. identification of trends that indicate potential for offsite wells to experience deterioration of water level or water quality.
- e. demonstration that the project is within water use estimates found within the FEIR.

Based on the results of the quarterly and annual trend analyses during the first 5 years of the project from the initiation of project construction, the Applicant shall determine if the project pumping has resulted in water level decline of 5 feet or more below the baseline trend at nearby private wells. If drawdown of 5 feet or more occurs at offsite wells, the Applicant shall immediately contact the well owner to determine whether project-related water level declines are significantly impacting well operation. If necessary, the Applicant shall implement means to allow for continued production of the impacted well to the satisfaction of San Luis Obispo County, such as reducing or redistributing project groundwater pumping. Alternatively, the Applicant shall provide compensation to the well owner, including reimbursement of increased energy costs, deepening the well (if appropriate/feasible) or pump setting, or development of a new well.

After the first 5 years of project, the Applicant and San Luis Obispo County shall jointly evaluate the effectiveness of the Groundwater Monitoring and Reporting Plan and determine if monitoring frequencies, laboratory testing program, or procedures should be revised or eliminated.

During construction and project operations, San Luis Obispo County Department of Planning and Building will review submitted data monitoring reports for compliance. Following review and approval of the fifth annual summary report, the County shall determine whether groundwater wells surrounding the project site are affected by project activities in a way that requires additional mitigation and, if so, shall determine what measures are needed.

124. **MM WR-1.2 - Install pervious and/or high-roughness groundcover where applicable.** Prior to the issuance of construction permits, the Applicant shall submit a drainage design and hydrologic and hydraulic analysis to the County of San Luis Obispo Department of Planning and Building and Public Works for review and approval. In the design plans, groundcover for the new substation shall be comprised of a pervious and/or high-roughness material (for example, gravel) to the maximum extent feasible, in order to ensure maximum percolation of rainfall after construction. Detention/retention basins shall be installed, as necessary, to reduce local increases in runoff, particularly on frequent runoff events (up to 10-year frequency). Downstream drainage discharge points shall be provided with erosion protection and designed such that flow hydraulics exiting the site mimics the natural condition as much as possible.

During construction, the County Environmental Monitor shall work with the County Public Works Department to verify that the approved Plan is followed or incorporated. County Public Works Department to verify compliance post-construction.

125. **MM WR-1.3 - Construction site dewatering management.** During project construction, if groundwater is unexpectedly encountered during project construction, dewatering activities shall be performed in compliance with applicable State and local regulatory requirements. These operations shall include, as applicable, the use of sediment traps and sediment basins in accordance with the California Stormwater Quality Association (CASQA) Handbook for Construction or other similar guidelines, as approved by the County. The project Applicant shall notify the Central Coast Regional Water Quality Control Board (RWQCB) and County at the onset of dewatering and submit written description of all executed dewatering activities, including steps taken to return encountered groundwater to the subsurface, upon the completion of dewatering activities at the affected site(s).

During construction, compliance will be verified by the County Environmental Monitor.

126. **MM WR-1.4 - Design onsite drainage improvements to maximize groundwater recharge.** Prior to approval of construction plans, the Applicant shall design onsite drainage improvements (and include on all applicable construction plans) to include the following components to maximize groundwater basin recharge:

- a. Drainage from impervious surfaces (e.g., roads, driveways, buildings) shall be directed to drainage swales or vegetated surface sheet flow areas;
- b. The project shall be designed to use vegetative surfaces and natural contouring to restore natural runoff and infiltration hydrologic response;
- c. Where feasible, mass grading and contouring shall be done in a way to direct surface runoff towards the above-referenced drainage features (and/or closed depressions).

During construction, the County Environmental Monitor shall work with the County Public Works Department to verify that the approved Plan is followed or incorporated. County Public Works Department to verify compliance post-construction.

127. **MM WR-1.5 - Develop master Drought Water Management and Water Conservation Education Programs.** Prior to construction permit issuance, a master Drought Water Management Program shall be prepared by the Applicant and submitted to the County for approval. The plan shall provide guidelines on how all future water use will be managed during "severe" drought year(s).

During construction and operation, these measures would go into effect during periods of "severe" drought. Once it is determined that a "severe" drought condition exists, restricted (drought) water usage measures shall remain in effect until it is shown satisfactorily to the County that the "severe" drought condition no longer exists. This plan shall include, but is not necessarily limited to:

- a. The definition of a "severe" drought year (as defined by NOAA's Palmer Drought Severity method or other similarly recognized methodology);
- b. Identification of general measures available to reduce water usage for future development (to be refined as needed for each use approved);
- c. Identification of specific measures to be applied for landscape watering;
- d. Determination of appropriate early triggers to determine when "severe" drought conditions exist and process for initiating additional water conservation measures.

In addition to the Drought Water Management Program and **prior to construction permit issuance**, the Applicant shall develop, and submit to the County for approval, a master Water Conservation Education Program for all future operators/employees for use during drought periods. Such a program shall be developed by an appropriate expert for each onsite activity using water. Once the program is developed, the Applicant shall also include the means by which this information will be disseminated to any future operators.

For any year that a "severe drought" state has been recognized, the Applicant shall submit a letter to the County by November 1 of that year identifying what measures were implemented to conserve water and to provide water conservation education, as well as the effectiveness of such measures.

128. **MM WR-4.1 - Minimize disturbance within stream channels. Prior to the issuance of construction permits**, where the placement of project features would disturb ephemeral drainages or other sensitive hydrologic resources, the placement of such infrastructure (including roads) shall be adjusted to the extent feasible on project design plans to avoid such impacts **during construction**. Construction traffic routes shall be clearly marked with temporary markers such as easily visible flagging, as needed to minimize disturbance of ephemeral drainages or other sensitive hydrologic resources. Where it is not feasible for access roads to avoid ephemeral drainages, such crossings shall be built at approximate right angles to the drainages. Drainage crossings require review and approval of necessary permits from the U.S. Army Corps of Engineers (USACE), California Department of Fish and Game (CDFG), and State Water Resources Control Board (SWRCB)/Central Coast Regional Water Quality Control Board (RWQCB).

During construction, the County Environmental Monitor shall work with County Public Works to verify that measures to minimize disturbance of streambeds, ephemeral washes, or other sensitive hydrologic resources have been implemented or are being incorporated.

129. **MM WR-5.1 - Accidental spill control and environmental training. Prior to any ground disturbing activities**, the Applicant shall prepare a Construction Stormwater Pollution Prevention Plan (SWPPP) and retain on-site to use prior to any storm events and/or other incidents that could impact water quality. The Construction SWPPP to be prepared for the Proposed Project shall include procedures for quick and safe cleanup of accidental spills. The Construction SWPPP shall prescribe hazardous materials handling procedures for reducing the potential for a spill during construction, and shall include an emergency response program to ensure quick and safe cleanup of accidental spills. The SWPPP shall identify areas where refueling and vehicle maintenance activities and storage of hazardous materials, if any, would be permitted. Additionally, **prior to and during construction**, an environmental training program shall be established to communicate environmental concerns and appropriate work practices, including spill prevention and response measures, and SWPPP measures, to all field personnel. A monitoring program shall be implemented to ensure that the plans are followed during all construction, operations, and maintenance activities. The Construction SWPPP shall be retained onsite to use prior to any storm events and/or other incidents that could impact water quality.

During construction, compliance will be verified by the County Environmental Monitor, in consultation with the local SWPPP authority at the time of construction (RWQCB or County Department of Planning and Building).

130. **MM WR-5.2 - No storage of fuels and hazardous materials near sensitive water resources. Prior to construction permit issuance**, the Applicant shall identify the location of all fuels and hazardous materials storage areas on construction plans

submitted to the County for approval. Storage of fuels and hazardous materials shall be prohibited within 200 feet of surface water features and private groundwater supply wells, and within 400 feet of community or municipal groundwater supply wells (if it is determined that such wells exist on or in close proximity to the project site).

During construction, the County Environmental Monitor shall work with the Environmental Health Division to verify that the approved Plan is followed or incorporated. Environmental Health Division to verify compliance post-construction.

131. **MM WR-5.3 - Maintain vehicles and equipment. During construction/ground disturbing activities and operation**, all vehicles and equipment, including all hydraulic hoses, shall be maintained in good working order so that they are free of any and all leaks that could escape the vehicle or contact the ground. A vehicle and equipment maintenance log shall be updated and provided by the Applicant to the County of San Luis Obispo on a monthly basis for the duration of project construction.

During construction, compliance will be verified by the County Environmental Monitor.

132. **Within eighteen (18) months of the effective date of this permit**, the Applicant shall enter into an agreement with the County, executed by the Chair of the County Board of Supervisors, in a form approved by County Counsel, providing for one of the following options, or a combination of any two to be completed prior to final inspection:

- a. Contributing \$350,000 (in cash or in kind) for the design, construction, operation and maintenance of a Renewable Energy Education Center to be located at a site to be agreed upon by the County and Applicant, in consultation with the ultimate owner and operator of the facility. The location of the Renewable Energy Education Center could include the North County Campus of Cuesta College, another similar educational facility within the County, or a location within the Carrizo Plains area. The Agreement shall include the following provisions:

- i. If the location is on County-owned land, a lease agreement for the land shall be entered into between the operator of the facility and the County, executed by the Chair of the County Board of Supervisors and in a form approved by County Counsel, for a term of no more than 28 years and shall provide for full payment upon commencement of the lease. The lease shall further provide that the information shall be educational only and not promotional in nature.

- ii. Elements of the facility would include:

1. Kiosk or facility to provide educational information regarding renewable energy;
2. Displays or examples of renewable energy technology (e.g., small solar panel array on a tracker unit, etc.);
3. The use of green building design features;
4. Appropriate on-site or nearby public facilities such as passenger vehicle and school bus parking, and rest room accommodations.
5. Information on cultural, historical, and natural environment of the Carrizo Plains.

- iii. Informational signage at other locations within the County.

- b. Contributing \$350,000 by the Applicant to the County to be used at the County's sole discretion toward maintenance of the Simmler Community Building located in the Carrizo Plains.
- c. Under either option a portion of the funding shall be dedicated to a local renewable energy education program

The agreement shall not commit the County to approval of, or constitute the approval of, the Renewable Energy Education Center or eliminate the County's ability to disapprove the facility, to impose mitigation measures on the facility, or otherwise to exercise its discretion with respect to the approval of such a facility. Any such facility shall be required to obtain all applicable permits and approvals required for its development.

- 133. Whenever the term "open space easement" is utilized in these Conditions of Approval, the Applicant shall have the voluntary option of utilizing a conservation easement rather than an open space easement if a conservation easement is required by the USFWS or the CDFG in connection with mitigation or compensation obligations involving that property. Such easement shall be in perpetuity and in a form approved by County Counsel.

Exhibit 5b – Conditions of Approval for Vesting Tentative Tract Map 3032 SUB2010-00060

Approved Project

1. Request by Topaz Solar Farms LLC for a Vesting Tentative Tract Map to create a 320-acre parcel from three legal parcels of 40, 40, and 80 acres each, and four 40-acre illegally created parcels. The purpose of this map is to allow for the lots to be legalized under the Subdivision Map Act which will allow for the proposed solar generation facility to be constructed.

Access and Improvements

2. The applicant shall provide by separate document and prior to map recordation, an offsite 40-foot wide road easement for private access from the project site back to the nearest publically maintained road.
3. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

Drainage

4. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
5. In accordance with 8.68.130 (Article III), non-stormwater discharges into the county storm drain system shall require an encroachment permit as described in Chapter 13.08 of the County Code. Permits shall only be issued when the applicant successfully demonstrates compliance with all requirements of Article III.

Utilities

6. All new electric, telephone, and/or cable television lines shall be installed underground or overhead and service laterals stubbed to each lot.
7. Any public utility easements required by the utility company, shall be shown on the final Tract Map.

Additional Map Sheet

8. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The

additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

- a. All driveway approaches shall be constructed in accordance with County Public Improvement Standards. All driveway approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.
- b. Notification to prospective buyers that streets/roads within the subdivision are to be privately maintained, indicating the proposed maintenance mechanism.
- c. Notification to prospective buyers that the private access road(s) to the subdivision from publically maintained roads may need to be upgraded as required by Cal Fire prior to occupancy as a condition of any building permit on the site.

Miscellaneous

9. This subdivision is also subject to the standard conditions of approval for all subdivisions using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
10. Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.
11. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
12. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

**STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING INDIVIDUAL WELLS AND SEPTIC TANKS**

13. Each parcel shall have its own private well(s) for a domestic water supply approved by Environmental Health Services, except as set forth in 2d.
14. Operable water facilities shall exist prior to the filing of the final subdivision map. Evidence of adequate and potable water, shall be submitted to Environmental Health Services including the following:
 - a. Well Completion Report- The well log generated by the driller at the time the well is constructed.
 - b. Water Quality- A complete chemical analysis, to include general mineral, general physical and inorganics, shall be submitted for evaluation for each of the wells developed. Site evaluations may trigger additional testing requirements by Environmental Health Services. (Within last 5 years)
 - c. Production- On individual private wells, a minimum of a four hour pump test with draw down and recovery data by a **licensed and bonded** well driller or pump testing company, shall be submitted for review and approval for each well proposed for the subdivision. (Within last 5 years)
 - d. Shared Well System- The applicant shall contact Environmental Health Services for assistance in properly designing a shared water well system. A shared water well system review fee (said fee is separate from any fees paid through the County Planning and Building Department) shall be provided to this office prior to finaling the map.
15. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan and County Building and Construction Ordinance, Title 19, will be an acceptable method of sewage disposal until community sewers may become available.
16. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
17. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve 5 or more parcels shall be separated by a minimum of two hundred (200) feet from septic systems and dry wells.
18. Individual systems on new land divisions shall be designed and constructed to either reserve sufficient site area for dual leach fields (100% replacement area), or construct the dual leach fields with a diverter valve at the time of initial septic system installation.
19. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the County Planning Department for review and approval **prior to the issuance of a building permit**. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions

including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.

20. An encroachment permit shall be obtained from County Public Works for any work to be done within the county right-of-way.
21. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
22. Any existing reservoir or drainage swale on the property shall be delineated on the map.
23. Prior to submission of the map "checkprints" to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
24. Required public utility easements shall be shown on the map.
25. Approved street names shall be shown on the map.
26. The applicant shall comply with state, county, and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of the land proposed.
27. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to recordation of the map.
28. Any private easements on the property shall be shown on the map with recording data.
29. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to recordation of the map.
30. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
31. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
32. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

EXHIBIT 5c – Applicant Proposed Measures

(Excerpted from the Topaz Solar Farm Project Final EIR, March 2011)

Table B-11. Applicant Proposed Measures

APM Number	Proposed Measure by Issue Area
AESTHETICS	
APM Aes-1	PV arrays will be set back a minimum of 50 feet from paved roads, drainages, and adjacent properties. Setback distances will be greater in specific locations, as specified in Table B-3.
APM Aes-2	Exterior lighting within the PV arrays or on the Proposed Project perimeter will not be allowed. For security and maintenance purposes, shielded lights will be installed at the M&M facility, the substation, and the switching station. The Applicant will use temporary, shielded, portable, task-specific lights as needed, particularly in the construction staging areas. In addition, there will be lights located in each inverter enclosure that will be turned on by a local switch when infrequent maintenance of the inverter occurs at night.
AIR QUALITY	
APM Air-1	The Applicant will use shuttle buses to transport the majority of the proposed 400 construction workers to the project site from Park-n-Ride lots in neighboring communities and towns.
APM Air-2	Dust control will be provided in accordance with San Luis Obispo County Air Pollution Control District (APCD) requirements during project construction. Most roads will be treated with gravel or other road stabilization material, and disturbed areas will be sprayed with water regularly.
APM Air-3	The Applicant will maintain all construction equipment in proper tune according to manufacturer's specifications.
APM Air-4	The Applicant will fuel all off-road and portable diesel powered equipment with Air Resources Board (ARB) certified motor vehicle diesel fuel.
APM Air-5	The Applicant will use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with State off-road regulation.
APM Air-6	The Applicant will require that all on- and off-road diesel equipment shall not idle for more than five minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the five-minute idling limit. On very cold mornings, there will be an exemption to this requirement for equipment that needs up to 15 minutes to warm to operating temperature.
APM Air-7	The Applicant will not locate staging and queuing areas within 1,000 feet of sensitive receptors.
APM Air-8	The Applicant will prepare and implement a Construction Activity Management Plan (CAMP) and submit it to the APCD for review and approval prior to the start of construction.
BIOLOGICAL RESOURCES	
San Joaquin Kit Fox Mitigation and Monitoring Plan (Althouse and Meade, Inc., July 2010)	
APM Bio-1	The Applicant will incorporate measures to allow the Kit Fox access to and passage through the project site by constructing fences around the project perimeter that would have small openings (approximately 12 inches by four to six inches) in the base of the fence approximately every 100 yards.
APM Bio-2	The low end of the PV modules will be a minimum of 18 inches from the ground in order to allow for permeability and lines of sight for the Kit Fox.
APM Bio-3	Off-site lands that are provided as habitat mitigation will be restored to annual grassland or maintained as annual grassland, included in a conservation easement, and managed to promote kit fox and other native species. This will be achieved either through: (a) fee purchase or dedication with a conservation easement, along with Enhancement and Endowment Funds, or (b) the payment of an "in lieu fee" to achieve the same.
APM Bio-4	A three-stage survey protocol and protection program will be utilized to prevent injury or death of kit fox during project construction.
APM Bio-5	The Proposed Project includes on-site habitat enhancements including establishment and maintenance of natural vegetation and artificial dens. The goal is to provide accessible and appropriate habitat attractive to kit fox. Enhancements utilized would be based on successful enhancement programs currently in place in other communities and habitat areas, as detailed in the section "Examples of Habitat Enhancement Programs" on page 27 of the San Joaquin Kit Fox Mitigation and Monitoring Plan.
APM Bio-6	The Applicant will install at least 14 artificial dens (two per square mile) and 28 artificial escape dens (four per square mile) within the solar array fences at appropriate locations as determined by the project biologist. Artificial den placement will be more than 25 feet from any of the Proposed Project components.
APM Bio-7	The Applicant will install artificial escape dens on the outside of the Proposed Project perimeter fences approximately every 1,000 feet to provide permanent refuge locations.

Table B-11. Applicant Proposed Measures

APM Number	Proposed Measure by Issue Area
APM Bio-8	Management practices will avoid the use of rodenticides.
APM Bio-9	A monitoring program will determine if kit fox take up residence and re-establish use of the Proposed Project site at levels equivalent to or better than existing use.
APM Bio-10	The Proposed Project site will be made available for research projects approved by the US Fish and Wildlife Service (USFWS) if approved by First Solar in advance and accompanied by necessary protections and indemnities.
APM Bio-11	Worker education programs regarding kit fox identification, life history, habits, population status, protection measures, and penalties for unauthorized take of kit fox will be provided for all construction and operational employees.
APM Bio-12	Public education material will be provided to all Proposed Project guests and visitors. Signage will be placed at the Solar Energy Learning Center and the Monitoring and Maintenance building to provide education regarding kit fox and other rare species.
APM Bio-13	Pets will not be allowed on the Proposed Project site.
APM Bio-14	During construction, survey and monitoring measures will be conducted that meet the standard San Joaquin kit fox CEQA mitigation measures approved by the County of San Luis Obispo, the USFWS, and the California Department of Fish and Game (CDFG) for projects in San Luis Obispo County.
APM Bio-15	Mowing or weed whipping within 25 feet of active dens will be prohibited. However, grazing will be allowed within 25 feet of dens.
APM Bio-16	Adaptive management of den sites and fence passages will be conducted when new information concerning kit fox use of the Proposed Project site is obtained. Recommendations regarding management methods will be incorporated into the annual monitoring report
APM Bio-17	A qualified kit fox biologist will submit annual monitoring reports to the County, the CDFG, and the USFWS. Any kit fox located within fenced solar array areas will be reported to CDFG, USFWS, and the County within one week of sighting. Monitoring reports will include date of all site visits, survey methods, survey results, and recommendations.
Final Biological Report for the Topaz Solar Farm (Althouse and Meade, Inc., July 2010)	
APM Bio-18	Construction activities will be adjusted to avoid active kit fox and badger dens, nesting birds and other seasonally sensitive resources.
APM Bio-19	Vegetate the ground within the Proposed Project to promote a natural habitat to support potential kit fox prey. Vegetation managed with grazing or other methods (subject to further testing to confirm feasibility).
APM Bio-20	Avoid construction within estimated 100-year flood boundary to create wildlife movement corridors through the Proposed Project site.
APM Bio-21	In addition to fencing removal within solar array areas, cross-fencing and wildlife wire fencing would be removed, where feasible, from 100-year flood boundary movement corridors within the Proposed Project to promote wildlife passage through the project site.
APM Bio-22	Avoid ephemeral wetland depressions. Establish a 25-foot setback to protect wetland hydrologic regimes and allow seasonal wildlife access to the pools.
APM Bio-23	Avoid vernal pools. Establish a 50-foot setback to protect vernal pool hydrologic regimes and allow seasonal wildlife access to the pools.
APM Bio-24	Avoid federally listed fairy shrimp pools. Establish a 250-foot setback to protect vernal pool hydrologic regimes. (The total area protected by the proposed 250-foot setbacks will result in the provision of approximately 4.5 acres of protected upland wildlife habitat surrounding the protected vernal pools.)
California Annual Grassland	
APM Bio-25	Development of a vegetation management plan that would specify grazing standards, residual vegetation quantities, and land management practices compatible with facility management and wildlife use.
Vernal Pool	
APM Bio-26	Vernal pools will be protected during construction by installation of orange fencing placed at the setback boundary between the vernal pool and project areas. Note that the setback for vernal pools that contain listed fairy shrimp is 250 feet.
Ephemeral Wetland Depression and Natural Non-Wetland Pool	

Table B-11. Applicant Proposed Measures

APM Number	Proposed Measure by Issue Area
APM Bio-27	Ephemeral wetland depressions will be protected during construction by installation of orange fencing placed at the setback boundary between the ephemeral wetland depression and project areas. Note that the setback for ephemeral wetland depressions that contain listed fairy shrimp is 250 feet.
Nesting Birds	
APM Bio-28	Within one week of ground disturbance activities, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. A pre-construction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.
Special Status Plants	
APM Bio-29	The design of the Proposed Project, for both Options A and B, as shown in Figures B-2 and B-3, has avoided many of the rare or sensitive plant occurrences that were identified in rare plant surveys conducted for the Project. BR Map 12, in the Final Biological Report for the Topaz Solar Farm (Althouse and Meade, Inc., July 2010), portrays the plant occurrences that have been avoided. These are defined herein as the "Avoided Plants".
APM Bio-30	Avoided Plants within 100 feet of proposed project facilities should be protected with orange construction fencing placed between the occurrence and construction activities.
APM Bio-31	Temporary access routes (located off of the main gravel access roads) that are used during construction will be planned to avoid Avoided Plants.
Special Status Birds	
APM Bio-32	Occupied nests of special status bird species shall be mapped using GPS or survey equipment. Work shall not be allowed within the 100 foot buffer while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas.
APM Bio-33	Occupied nests of special status bird species that are within 100 feet of project work areas shall be monitored at least every two weeks through the nesting season to document nest success and check for project compliance with buffer zones. Once nests are deemed inactive and/or chicks have fledged and are no longer dependant on the nest, work may commence in these areas.
Burrowing Owl	
APM Bio-34	Pre-construction surveys for burrowing owls shall be conducted not more than 30 days prior to any work that affects previously undisturbed grassland habitat containing burrows. The pre-construction surveys shall be conducted in a manner sufficient to determine no burrowing owls are present in the work areas, including a 250-foot buffer surrounding the work areas. Pre-construction surveys shall be conducted throughout the year, when work is proposed, to account for breeding, wintering, and transient owls.
Special Status Small Mammals	
APM Bio-35	A biological monitor shall be present during construction activities in all areas identified as potential habitat for special status mammals that have not previously been disturbed by construction. The monitor shall be qualified to capture and relocate any special status species that are found during construction. The monitor shall have the authority to stop work, if special status species are encountered, for any duration necessary to capture and relocate the animals.
Tule elk and pronghorn antelope	
APM Bio-36	Wildlife movement corridors are proposed through the Project arrays. Proposed pathways are over one mile in width in places. Minimum pathway width is approximately 500 feet. Pronghorn and elk could move through the pathways.
APM Bio-37	Fencing at existing crossing sites along Highway 58 and fences within the pathways in the Proposed Project site would be eliminated or made antelope-friendly to facilitate passage.

Table B-11. Applicant Proposed Measures

APM Number	Proposed Measure by Issue Area
HAZARDS AND HAZARDOUS MATERIALS	
APM Haz-1	Any First Solar modules damaged or broken during construction will be recycled into new modules or other products. The PV modules will be inspected and handled per First Solar's Broken PV Module Detection and Handling Plan or equivalent plan as approved by the County, throughout the project's life. Any additional construction waste generated will be removed in accordance with applicable requirements.
APM Haz-2	Vegetation will be managed in an effort to minimize potential for vegetative fuel buildup. A Fire Protection Plan in compliance with County regulations will be prepared and implemented for the project.
APM Haz-3	The Applicant will prepare and implement a Hazardous Materials Storage and Spill Response Plan to address management of hazardous materials during construction.
HYDROLOGY AND WATER QUALITY	
APM WQ-1	The Applicant will restore a portion of the main ephemeral drainages that has connectivity to Soda Lake. The objective would be to improve existing water quality and habitat functions. Restoration components may include removal of accumulated sediment, bank stabilization, planting of vegetation, sediment control measures, establishing protective habitat buffers, placing a conservation easement over the restored drainages and buffers, and funding an endowment that will provide for long-term management.
APM WQ-2	Erosion control measures will be implemented during project construction activities to prevent the flow of sediment downstream.
APM WQ-3	The Applicant will not wash modules in order to minimize water usage during project operation.
LAND USE AND PLANNING/AGRICULTURE	
APM LU-1	If Option B is selected, the Applicant will work with San Luis Obispo County Department of Planning and Building, the County Department of Agriculture, and the California Department of Conservation to cancel Williamson Act contracts, or to identify an alternate Williamson Act solution.
NOISE	
APM Noi-1	The Applicant will comply with County noise standards during construction and operation of the project.
PUBLIC SERVICES	
APM PS-1	Twenty-four-hour onsite security would be provided to limit the need for outside emergency response services.
APM PS-2	A Health and Safety Plan will be prepared and implemented for the project. The Applicant will assign a safety and compliance director to ensure that construction and operation of the solar facility is carried out consistent with OSHA and CalOSHA requirements.
TRANSPORTATION AND TRAFFIC	
APM Tra-1	The Applicant will implement the proposed Topaz Truck Management Plan (TTMP) in order to maximize safety and minimize congestion on the main access route to the Project site: Highway 58 westbound from Interstate 5. The Applicant will obtain the necessary permits from Caltrans for the implementation of the (TTMP).
APM Tra-2	The Applicant will require the use of shuttle buses to transport the majority of the proposed 400 construction workers to the project site from Park-in-Ride lots in neighboring communities and towns.
WASTEWATER	
APM Was-1	The Applicant will perform additional testing in accordance with the County's specific test procedure prior to final leach field design.